A/64/53

United Nations

Report of the Human Rights Council

Tenth session
(2-27 March 2009)

Eleventh session
(2-18 June 2009)

Eighth special session
(28 November and 1 December 2008)

Ninth special session
(9 and 12 January 2009)

Tenth special session
(20 and 23 February 2009)

Eleventh special session
(26-27 May 2009)

General Assembly
Official Records
Sixty-fourth session
Supplement No. 53 (A/64/53)

General Assembly
Official Records
Sixty-fourth session
Supplement No. 53 (A/64/53)

Report of the Human Rights Council

Tenth session
(2-27 March 2009)

Eleventh session
(2-18 June 2009)

Eighth special session
(28 November and 1 December 2008)

Ninth special session
(9 and 12 January 2009)

Tenth special session
(20 and 23 February 2009)

Eleventh special session
(26-27 May 2009)

United Nations • New York, 2009

Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

*

* *

The present volume contains the resolutions, decisions and president's statements adopted by the Human Rights Council from 28 November 2008 to 18 June 2009, at its tenth and eleventh sessions, and at its eighth, ninth, tenth and eleventh special sessions. The resolutions and decisions adopted by the Council from 19 June to 11 August 2006 at its first session and its first and second special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-first Session, Supplement No. 53* (A/61/53). The resolutions, decisions and president's statements adopted by the Council from 18 September 2006 to 22 June 2007, at its second, third, fourth and fifth sessions, at its first organizational meeting and at its third and fourth special sessions appear in the report of the Council to the General Assembly, issued as *Official Records, Sixty-second Session, Supplement No. 53* (A/62/53). The resolutions, decisions and president's statements adopted by the Council from 10 September 2007 to 24 September 2008, at its sixth, seventh, eighth and ninth sessions, and at its fifth, sixth and seventh special sessions appear in the report of the Council to the General Assembly and its addendum, issued as *Official Records, Sixty-third Session, Supplement No. 53 and Supplement No. 53 A* (A/63/53 and Add.1).

CONTENTS

Page

Checklist of resolutions, decisions and President's statements iv

Paragraphs

Introduction .... 1 - 2 1

Resolutions and decisions adopted by the Human Rights Council at its tenth and eleventh sessions and at its eighth, ninth, tenth and eleventh special sessions, as well as the President's statement adopted by the Council at its tenth session

Chapter

I. Draft resolutions and decisions recommended for adoption or implementation by the General Assembly 2

II. Tenth session 22

- A. Resolutions 22
- B. Decisions 102
- C. President's statements 111

III. Eleventh session 113

- A. Resolutions 113
- B. Decisions 142

IV. Eighth special session 150

V. Ninth special session 153

VI. Tenth special session 157

VII. Eleventh special session 161

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements 164

Checklist of resolutions, decisions and President's statements

A. Resolutions

Resolution No.	*Title*	*Date of adoption*	*Page*
10/1	Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1	25 March 2009	22
10/2	Human rights in the administration of justice, in particular juvenile justice	25 March 2009	23
10/3	World Programme for Human Rights Education	25 March 2009	27
10/4	Human rights and climate change	25 March 2009	28
10/5	Composition of staff of the Office of the United Nations High Commissioner for Human Rights	26 March 2009	30
10/6	Enhancement of international cooperation in the field of human rights	26 March 2009	32
10/7	Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities	26 March 2009	34
10/8	Draft United Nations guidelines for the appropriate use and conditions of alternative care for children	26 March 2009	37
10/9	Arbitrary detention	26 March 2009	37
10/10	Enforced or involuntary disappearances	26 March 2009	39
10/11	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	26 March 2009	43
10/12	The right to food	26 March 2009	47
10/13	Human rights and arbitrary deprivation of nationality	26 March 2009	54
10/14	Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto	26 March 2009	56
10/15	Protection of human rights and fundamental freedoms while countering terrorism	26 March 2009	60
10/16	Situation of human rights in the Democratic People's Republic of Korea	26 March 2009	62
10/17	Human rights in the occupied Syrian Golan	26 March 2009	64

A. Resolutions *(continued)*

Resolution No.	*Title*	*Date of adoption*	*Page*
10/18	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	26 March 2009	66
10/19	Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory	26 March 2009	70
10/20	Right of the Palestinian people to self-determination	26 March 2009	72
10/21	Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip	26 March 2009	73
10/22	Combating defamation of religions	26 March 2009	74
10/23	Independent expert in the field of cultural rights	26 March 2009	78
10/24	Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel	27 March 2009	81
10/25	Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights	27 March 2009	85
10/26	Forensic genetics and human rights	27 March 2009	87
10/27	Situation of human rights in Myanmar	27 March 2009	89
10/28	United Nations Declaration on Human Rights Education and Training	27 March 2009	93
10/29	The Social Forum	27 March 2009	94
10/30	Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination	27 March 2009	96
10/31	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	27 March 2009	98
10/32	Assistance to Somalia in the field of human rights	27 March 2009	99
10/33	Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services	27 March 2009	100
11/1	Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure	17 June 2009	113

A. Resolutions (*continued*)

Resolution No.	*Title*	*Date of adoption*	*Page*
11/2	Accelerating efforts to eliminate all forms of violence against women	17 June 2009	114
11/3	Trafficking in persons, especially women and children	17 June 2009	118
11/4	Promotion of the right of peoples to peace	17 June 2009	123
11/5	The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	17 June 2009	126
11/6	The right to education: follow-up to Human Rights Council resolution 8/4	17 June 2009	131
11/7	Guidelines for the Alternative Care of Children	17 June 2009	2
11/8	Preventable maternal mortality and morbidity and human rights	17 June 2009	134
11/9	The human rights of migrants in detention centres	18 June 2009	136
11/10	Situation of human rights in the Sudan	18 June 2009	137
11/11	System of special procedures	18 June 2009	140
11/12	Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action	18 June 2009	141
S-8/1	Situation of human rights in the east of the Democratic Republic of the Congo	1 December 2008	150
S-9/1	The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip	12 January 2009	153
S-10/1	The impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights	23 February 2009	157
S-11/1	Assistance to Sri Lanka in the promotion and protection of human rights	27 May 2009	161

B. Decisions

Decision No.	*Title*	*Date of adoption*	*Page*
10/101	Outcome of the universal periodic review: Botswana	18 March 2009	102
10/102	Outcome of the universal periodic review: Bahamas	18 March 2009	103
10/103	Outcome of the universal periodic review: Burundi	18 March 2009	103
10/104	Outcome of the universal periodic review: Luxembourg	18 March 2009	104
10/105	Outcome of the universal periodic review: Barbados	18 March 2009	104
10/106	Outcome of the universal periodic review: Montenegro	18 March 2009	105
10/107	Outcome of the universal periodic review: United Arab Emirates	19 March 2009	105
10/108	Outcome of the universal periodic review: Liechtenstein	19 March 2009	106
10/109	Outcome of the universal periodic review: Serbia	19 March 2009	106
10/110	Outcome of the universal periodic review: Turkmenistan	19 March 2009	107
10/111	Outcome of the universal periodic review: Burkina Faso	19 March 2009	107
10/112	Outcome of the universal periodic review: Israel	20 March 2009	108
10/113	Outcome of the universal periodic review: Cape Verde	20 March 2009	108
10/114	Outcome of the universal periodic review: Colombia	20 March 2009	109
10/115	Outcome of the universal periodic review: Uzbekistan	20 March 2009	109
10/116	Outcome of the universal periodic review: Tuvalu	20 March 2009	110
10/117	Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights	27 March 2009	110
11/101	Outcome of the universal periodic review: Germany	9 June 2009	142
11/102	Outcome of the universal periodic review: Djibouti	9 June 2009	142
11/103	Outcome of the universal periodic review: Canada	9 June 2009	143
11/104	Outcome of the universal periodic review: Bangladesh	10 June 2009	143
11/105	Outcome of the universal periodic review: Russian Federation	10 June 2009	144
11/106	Outcome of the universal periodic review: Cameroon	10 June 2009	144
11/107	Outcome of the universal periodic review: Cuba	10 June 2009	145
11/108	Outcome of the universal periodic review: Saudi Arabia	10 June 2009	145

B. Decisions (*continued*)

Decision No.	*Title*	*Date of adoption*	*Page*
11/109	Outcome of the universal periodic review: Senegal	11 June 2009	146
11/110	Outcome of the universal periodic review: China	11 June 2009	146
11/111	Outcome of the universal periodic review: Azerbaijan	11 June 2009	147
11/112	Outcome of the universal periodic review: Nigeria	11 June 2009	147
11/113	Outcome of the universal periodic review: Mexico	11 June 2009	148
11/114	Outcome of the universal periodic review: Mauritius	11 June 2009	148
11/115	Outcome of the universal periodic review: Jordan	12 June 2009	149
11/116	Outcome of the universal periodic review: Malaysia	12 June 2009	149
11/117	Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations	18 June 2009	20

C. President's statements

President's statement No.	*Title*	*Date of adoption*	*Page*
PRST/10/1	Reports of the Advisory Committee	27 March 2009	111

Introduction

1. The Council held its tenth session from 2 to 27 March 2009 and its eleventh session from 2 to 18 June 2009. The second organizational meeting was held on 19 June 2009, in accordance with rule 8 of its rules of procedure, as contained in the annex to Council resolution 5/1. The Council held its eighth special session on 28 November and 1 December 2008, its ninth special session on 9 and 12 January 2009, its tenth special session on 20 and 23 February 2009, and its eleventh special session on 26 and 27 May 2009.

2. The reports of the Council on each of the above-mentioned sessions have been issued in documents A/HRC/10/29, A/HRC/11/37, A/HRC/S-8/2, A/HRC/S-9/2, A/HRC/S-10/2 and A/HRC/S-11/2.

Resolutions and decisions adopted by the Human Rights Council at its tenth and eleventh sessions and at its eighth, ninth, tenth and eleventh special sessions, as well as the President's statement adopted by the Council at its tenth session

I. Draft resolutions and decisions recommended for adoption or implementation by the General Assembly

11/7. Guidelines for the Alternative Care of Children

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights and the Convention on the Rights of the Child, and celebrating the twentieth anniversary of the Convention in 2009,

Reaffirming also all previous resolutions on the rights of the child of the Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 9/13 of 24 September 2008 and 10/8 of 26 March 2009 and Assembly resolution 63/241 of 24 December 2008,

Considering that the Guidelines for the Alternative Care of Children, the text of which is annexed to the present resolution, set out desirable orientations for policy and practice with the intention of enhancing the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children deprived of parental care or who are at risk of being so,

1. *Welcomes* the accomplishment of the Guidelines for the Alternative Care of Children;

2. *Decides* to submit the Guidelines to the General Assembly for consideration with a view to their adoption on the twentieth anniversary of the Convention on the Rights of the Child.

27th meeting
17 June 2009

[Adopted without a vote.]

Annex

GUIDELINES FOR THE ALTERNATIVE CARE OF CHILDREN

I. PURPOSE

1. The present Guidelines are intended to enhance the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.

2. Against the background of these international instruments and taking account of the developing body of knowledge and experience in this sphere, the Guidelines set out desirable orientations for policy and practice. They are designed for wide dissemination among all sectors directly or indirectly concerned with issues relating to alternative care, and seek in particular to:

(a) Support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and *kafala* of Islamic law;

(b) Ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child's full and harmonious development;

(c) Assist and encourage governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and

(d) Guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and private sectors, including civil society.

II. GENERAL PRINCIPLES AND PERSPECTIVES

A. The child and the family

3. The family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. The State should ensure that families have access to forms of support in the caregiving role.

4. Every child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment.

5. Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided.

6. All decisions, initiatives and approaches falling within the scope of the present Guidelines should be made on a case-by-case basis, with a view notably to ensuring the child's safety and security, and must be grounded in the best interests and rights of the child concerned, in conformity with the principle of non-discrimination and taking due account of the gender perspective. They should respect fully the child's right to be consulted and to have his/her views duly taken into account in accordance with his/her evolving capacities, and on the basis of his/her access to all necessary information. Every effort should be made to enable such consultation and information provision to be carried out in the child's preferred language.

6.bis In applying the present Guidelines, determination of the best interests of the child shall be designed to identify courses of action for children deprived of parental care, or at risk of being so, that are best suited to satisfying their needs and rights, taking into account the full and personal development of their rights in their family, social and cultural environment and their status as subjects of rights, both at the time of the determination and in the longer term. The determination process should take account of, inter alia, the right of the child to be heard and to have his/her views taken into account in accordance with his/her age and maturity.

7. States should develop and implement comprehensive child welfare and protection policies within the framework of their overall social and human development policy, with attention to the improvement of existing alternative care provision, reflecting the principles contained in the present Guidelines.

8. As part of efforts to prevent separation of children from their parents, States should seek to ensure appropriate and culturally sensitive measures:

(a) To support family caregiving environments whose capacities are limited by factors such as disabilities; drug and alcohol misuse; discrimination against families with indigenous or minority backgrounds; and those living in armed conflict regions or under foreign occupation;

(b) To provide appropriate care and protection for vulnerable children, such as child victims of abuse and exploitation; abandoned children; children living on the street; children born out of wedlock; unaccompanied and separated children; internally displaced and refugee children; children of migrant workers; children of asylum-seekers; or children living with or affected by HIV/AIDS and other serious illnesses.

9. Special efforts should be made to tackle discrimination on the basis of any status of the child or parents, including poverty, ethnicity, religion, sex, mental and physical disability, HIV/AIDS status or other serious illnesses, whether physical or mental, birth out of wedlock, and socio-economic stigma, and all other statuses and circumstances that can give rise to relinquishment, abandonment and/or removal of a child.

B. Alternative care

10. All decisions concerning alternative care should take full account of the desirability, in principle, of maintaining the child as close as possible to his/her habitual place of residence, in order to facilitate contact and potential reintegration with his/her family and to minimize disruption of his/her educational, cultural and social life.

11. Decisions regarding children in alternative care, including those in informal care, should have due regard for the importance of ensuring children a stable home and of meeting their basic need for safe and continuous attachment to their caregivers, with permanency generally being a key goal.

12. Children must be treated with dignity and respect at all times and must benefit from effective protection from abuse, neglect and all forms of exploitation, whether on the part of care providers, peers or third parties, in whatever care setting they may find themselves.

13. Removal of a child from the care of the family should be seen as a measure of last resort and should be, whenever possible, temporary and for the shortest possible duration. Removal decisions should be regularly reviewed and the child's return to parental care, once the original causes of removal have been resolved or have disappeared, should be in the child's best interests, in keeping with the assessment foreseen in paragraph 48 below.

14. Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.

15. Attention must be paid to promoting and safeguarding all other rights of special pertinence to the situation of children without parental care, including, but not limited to, access to education, health and other basic services, the right to identity, freedom of religion or belief, language and protection of property and inheritance rights.

16. Siblings with existing bonds should in principle not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort should be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests.

17. Recognizing that, in most countries, the majority of children without parental care are looked after informally by relatives or others, States should seek to devise appropriate means, consistent with the present Guidelines, to ensure their welfare and protection while in such informal care arrangements, with due respect for cultural, economic, gender and religious differences and practices that do not conflict with the rights and best interests of the child.

18. No child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time.

19. The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers.

20. Use of residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests.

21. In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings. Exceptions to this principle may be warranted in order to prevent the separation of siblings and in cases where the placement is of an emergency nature or is for a predetermined and very limited duration, with planned family reintegration or other appropriate long-term care solution as its outcome.

22. While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small-group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.

Measures to promote application

23. States should, to the maximum extent of their available resources and, where appropriate, in the framework of development cooperation, allocate human and financial resources to ensure the optimal and progressive implementation of the present Guidelines throughout their respective territories in a timely manner. States should facilitate active cooperation among all relevant authorities and the mainstreaming of child and family welfare issues within all ministries directly or indirectly concerned.

24. States are responsible for determining any need for, and requesting, international cooperation in implementing the present Guidelines. Such requests should be given due consideration and should receive a favourable response wherever possible and appropriate. The enhanced implementation of the present Guidelines should figure in development cooperation programmes. When providing assistance to a State, foreign entities should abstain from any initiative inconsistent with the Guidelines.

25. Nothing in the present Guidelines should be interpreted as encouraging or condoning lower standards than those that may exist in given States, including in their legislation. Similarly, competent authorities, professional organizations and others are encouraged to develop national or professionally-specific guidelines that build upon the letter and spirit of the present Guidelines.

III. SCOPE OF THE GUIDELINES

26. The present Guidelines apply to the appropriate use and conditions of alternative formal care for all persons under the age of 18 years, unless under the law applicable to the child majority is attained earlier. Only where indicated do the Guidelines also apply to informal care settings, having due regard for both the important role played by the extended family and community and the obligations of States for all children not in the care of their parents or legal and customary caregivers, as set out in the Convention on the Rights of the Child.

27. Principles in the present Guidelines are also applicable, as appropriate, to young persons already in alternative care and who need continuing care or support for a transitional period after reaching the age of majority under applicable law.

28. For the purposes of the present Guidelines, and subject notably to the exceptions listed in paragraph 29 below, the following definitions shall apply:

(a) Children without parental care: all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances. Children without parental care who are outside their country of habitual residence or victims of emergency situations may be designated as:

"Unaccompanied" if they are not cared for by another relative or an adult who by law or custom is responsible for doing so; or

"Separated" if they are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative.

(b) Alternative care may take the form of:

(i) Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;

Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures.

(c) With respect to the environment where it is provided, alternative care may be:

(ii) Kinship care: family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature;

Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family, that has been selected, qualified, approved and supervised for providing such care;

Other forms of family-based or family-like care placements;

Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities including group homes;

Supervised independent living arrangements for children.

(d) With respect to those responsible for alternative care:

(iii) Agencies are the public or private bodies and services that organize alternative care for children;

Facilities are the individual public or private establishments that provide residential care for children.

29. The scope of alternative care as foreseen in the present Guidelines does not extend, however, to:

(a) Persons under the age of 18 years who are deprived of their liberty by decision of a judicial or administrative authority as a result of being alleged as, accused of or recognized as having infringed the law, and whose situation is covered by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Care by adoptive parents from the moment the child concerned is effectively placed in their custody pursuant to a final adoption order, as of which moment, for the purposes of the present Guidelines, the child is considered to be in parental care. The Guidelines are, however, applicable to pre-adoption or probationary placement of a child with the prospective adoptive parents, as far as they are compatible with requirements governing such placements as stipulated in other relevant international instruments;

(c) Informal arrangements whereby a child voluntarily stays with relatives or friends for recreational purposes and reasons not connected with the parents' general inability or unwillingness to provide adequate care.

30. Competent authorities and others concerned are also encouraged to make use of the present Guidelines, as applicable, at boarding schools, hospitals, centres for children with mental and physical disabilities or other special needs, camps, the workplace and other places which may be responsible for the care of children.

IV. PREVENTING THE NEED FOR ALTERNATIVE CARE

A. Promoting parental care

31. States should pursue policies that ensure support for families in meeting their responsibilities towards the child and promote the right of the child to have a relationship with both parents. These policies should address the root causes of child abandonment, relinquishment and separation of the child from his/her family by ensuring, inter alia, the right to birth registration, access to adequate housing and to basic health, education and social welfare services, as well as by promoting measures to combat poverty, discrimination, marginalization, stigmatization, violence, child maltreatment and sexual abuse, and substance abuse.

32. States should develop and implement consistent and mutually reinforcing family-oriented policies designed to promote and strengthen parents' ability to care for their children.

33. States should implement effective measures to prevent child abandonment, relinquishment and separation of the child from his/her family. Social policies and programmes should, inter alia, empower families with attitudes, skills, capacities and tools to enable them to provide adequately for the protection, care and development of their children. The complementary capacities of the State and civil society, including non-governmental and community-based organizations, religious leaders and the media should be engaged to this end. These social protection measures should include:

(a) Family strengthening services, such as parenting courses and sessions, the promotion of positive parent-child relationships, conflict resolution skills, opportunities for employment, income-generation and, where required, social assistance;

(b) Supportive social services, such as day care, mediation and conciliation services, substance abuse treatment, financial assistance, and services for parents and children with disabilities. Such services, preferably of an integrated and non-intrusive nature, should be directly accessible at community level and should actively involve the participation of families as partners, combining their resources with those of the community and the carer;

(c) Youth policies aiming at empowering youth to face positively the challenges of everyday life, including when they decide to leave the parental home, and preparing future parents to make informed decisions regarding their sexual and reproductive health and to fulfil their responsibilities in this respect.

34. Various complementary methods and techniques should be used for family support, varying throughout the process of support, such as home visits, group meetings with other families, case conferences and securing commitments by the family concerned. They should be directed towards both facilitating intrafamilial relationships and promoting the family's integration within its community.

35. Special attention should be paid, in accordance with local laws, to the provision and promotion of support and care services for single and adolescent parents and their children, whether or not born out of wedlock. States should ensure that adolescent parents retain all rights inherent to their status both as parents and as children.

including access to all appropriate services for their own development, allowances to which parents are entitled, and their inheritance rights. Measures should be adopted to ensure the protection of pregnant adolescents and to guarantee that they do not interrupt their studies. Efforts should also be made to reduce stigma attached to single and adolescent parenthood.

36. Support and services should be available to siblings who have lost their parents or caregivers and choose to remain together in their household, to the extent that the eldest sibling is both willing and deemed capable of acting as the household head. States should ensure, including through the appointment of a legal guardian, a recognized responsible adult or, where appropriate, a public body legally mandated to act as guardian, as stipulated in paragraph 18 above, that such households benefit from mandatory protection from all forms of exploitation and abuse, and supervision and support on the part of the local community and its competent services, such as social workers, with particular concern for the children's health, housing, education and inheritance rights. Special attention should be given to ensuring the head of such a household retains all rights inherent to his/her child status, including access to education and leisure, in addition to his/her rights as a household head.

37. States should ensure opportunities for day care, including all-day schooling, and respite care which would enable parents better to cope with their overall responsibilities towards the family, including additional responsibilities inherent in caring for children with special needs.

Preventing family separation

38. Proper criteria based on sound professional principles should be developed and consistently applied for assessing the child's and family's situation, including the family's actual and potential capacity to care for the child, in cases where the competent authority or agency has reasonable grounds to believe that the well-being of the child is at risk.

39. Decisions regarding removal or reintegration should be based on this assessment and made by suitably qualified and trained professionals, on behalf of or authorized by a competent authority, in full consultation with all concerned and bearing in mind the need to plan for the child's future.

40. States are encouraged to adopt measures for the integral protection and guarantee of rights during pregnancy, birth and the breastfeeding period, in order to ensure conditions of dignity and equality for the adequate development of the pregnancy and care of the child. Therefore, support programmes should be provided to future mothers and fathers, particularly adolescent parents, who have difficulties in exercising their parental responsibilities. Such programmes should aim at empowering mothers and fathers to exercise their parental responsibilities in conditions of dignity, and at avoiding their being induced to surrender their child because of their vulnerability.

41. When a child is relinquished or abandoned, States should ensure that this may take place in conditions of confidentiality and safety for the child, respecting his/her right to access information on his/her origins where appropriate and possible under the law of the State.

42. States should formulate clear policies to address situations where a child has been abandoned anonymously, which indicate whether and how family tracing should be undertaken and reunification or placement within the extended family pursued. Policies should also allow for timely decision-making on the child's eligibility for permanent family placement and for arranging such placements expeditiously.

43. When a public or private agency or facility is approached by a parent or legal guardian wishing to relinquish a child permanently, the State should ensure that the family receives counselling and social support to encourage and enable them to continue to care for the child. If this fails, a social worker or other appropriate professional assessment should be undertaken to determine whether there are other family members who wish to take permanent responsibility for the child, and whether such arrangements would be in the child's best interests. Where such arrangements are not possible or in the child's best interests, efforts should be made to find a permanent family placement within a reasonable period.

44. When a public or private agency or facility is approached by a parent or caregiver wishing to place a child in care for a short or indefinite period, the State should ensure the availability of counselling and social support to encourage and enable them to continue to care for the child. A child should be admitted to alternative care only when such efforts have been exhausted and acceptable and justified reasons for entry into care exist.

45. Specific training should be provided to teachers and others working with children, in order to help them to identify situations of abuse, neglect, exploitation or risk of abandonment and to refer such situations to competent bodies.

46. Any decision to remove a child against the will of his/her parents must be made by competent authorities, in accordance with applicable law and procedures and subject to judicial review, the parents being assured the right of appeal and access to appropriate legal representation.

47. When the child's sole or main carer may be the subject of deprivation of liberty as a result of preventive detention or sentencing decisions, non-custodial remand measures and sentences should be taken in appropriate cases wherever possible, the best interests of the child being given due consideration. States should take into account the best interests of the child when deciding whether to remove children born in prison and children living in prison with a parent. The removal of such children should be treated in the same way as other instances where separation is considered. Best efforts should be made to ensure that children remaining in custody with their parent benefit from adequate care and protection, while guaranteeing their own status as free individuals and access to activities in the community.

B. Promoting family reintegration

48. In order to prepare and support the child and the family for his/her possible return to the family, his/her situation should be assessed by a duly designated individual or team with access to multidisciplinary advice, in consultation with the different actors involved (the child, the family, the alternative caregiver), so as to decide whether the reintegration of the child in the family is possible and in the best interests of the child, which steps this would involve and under whose supervision.

49. The aims of the reintegration and the family's and alternative caregiver's principal tasks in this respect should be set out in writing and agreed on by all concerned.

50. Regular and appropriate contact between the child and his/her family specifically for the purpose of reintegration should be developed, supported and monitored by the competent body.

51. Once decided, reintegration of the child in his/her family should be designed as a gradual and supervised process, accompanied by follow-up and support measures that take account of the child's age, needs and evolving capacities, as well as the cause of the separation.

V. FRAMEWORK OF CARE PROVISION

52. In order to meet the specific psychoemotional, social and other needs of each child without parental care, States should take all necessary measures to ensure that the legislative, policy and financial conditions exist to provide for adequate alternative care options, with priority to family- and community-based solutions.

53. States should ensure the availability of a range of alternative care options, consistent with the general principles of the present Guidelines, for emergency, short-term and long-term care.

54. States should ensure that all entities and individuals engaged in the provision of alternative care for children receive due authorization to do so from a competent authority and be subject to the latter's regular monitoring and review in keeping with the present Guidelines. To this end, these authorities should develop appropriate criteria for assessing the professional and ethical fitness of care providers and for their accreditation, monitoring and supervision.

55. With regard to informal care arrangements for the child, whether within the extended family, with friends or with other parties, States should, where appropriate, encourage such carers to notify the competent authorities accordingly so that they and the child may receive any necessary financial and other support that would promote the child's welfare and protection. Where possible and appropriate, States should encourage and enable informal caregivers, with the consent of the child and parents concerned, to formalize the care arrangement after a suitable lapse of time, to the extent that the arrangement has proved to be in the child's best interests to date and is expected to continue in the foreseeable future.

VI. DETERMINATION OF THE MOST APPROPRIATE FORM OF CARE

56. Decision-making on alternative care in the best interests of the child should take place through a judicial, administrative or other adequate and recognized procedure, with legal safeguards, including, where appropriate, legal representation on behalf of children in any legal proceedings. It should be based on rigorous assessment, planning and review, through established structures and mechanisms, and carried out on a case-by-case basis, by suitably qualified professionals in a multidisciplinary team, wherever possible. It should involve full consultation at all stages with the child, according to his/her evolving capacities, and with his/her parents or legal guardians. To this end, all concerned should be provided with the necessary information on which to base their opinion. States should make every effort to provide adequate resources and channels for the training and recognition of the professionals responsible for determining the best form of care so as to facilitate compliance with these provisions.

57. Assessment should be carried out expeditiously, thoroughly and carefully. It should take into account the child's immediate safety and well-being, as well as his/her longer-term care and development, and should cover the child's personal and developmental characteristics, ethnic, cultural, linguistic and religious background, family and social environment, medical history and any special needs.

58. The resulting initial and review reports should be used as essential tools for planning decisions from the time of their acceptance by the competent authorities onwards, with a view to, inter alia, avoiding undue disruption and contradictory decisions.

59. Frequent changes in care setting are detrimental to the child's development and ability to form attachments, and should be avoided. Short-term placements should aim at enabling an appropriate permanent solution to be arranged. Permanency for the child should be secured without undue delay through reintegration in his/her nuclear or extended family or, if this is not possible, in an alternative stable family setting or, where paragraph 20 above applies, in stable and appropriate residential care.

60. Planning for care provision and permanency should be carried out from the earliest possible time, ideally before the child enters care, taking into account the immediate and longer-term advantages and disadvantages of each option considered, and should comprise short- and long-term propositions.

61. Planning for care provision and permanency should be based on, notably, the nature and quality of the child's attachment to his/her family; the family's capacity to safeguard the child's well-being and harmonious development; the child's need or desire to feel part of a family; the desirability of the child remaining within his/her community and country; his/her cultural, linguistic and religious background; and relationships with siblings, with a view to avoiding their separation.

62. The plan should clearly state, inter alia, the goals of the placement and the measures to achieve them.

63. The child and his/her parents or legal guardians should be fully informed about the alternative care options available, the implications of each option and their rights and obligations in the matter.

64. The preparation, enforcement and evaluation of a protective measure for a child should be carried out, to the greatest extent possible, with the participation of his/her parents or legal guardians and potential foster carers and caregivers, with respect to his/her particular needs, convictions and special wishes. At the request of the child, parents or legal guardians, other important persons in the child's life may also be consulted in any decision-making process, at the discretion of the competent authority.

65. States should ensure that any child who has been placed in alternative care by a properly constituted court, tribunal or administrative or other competent body, as well as his/her parents or others with parental responsibility, are given the opportunity to make representations on the placement decision before a court, are informed of their rights to make such representations and are assisted in doing so.

66. States should ensure the right of any child who has been placed in temporary care to regular and thorough review - preferably at least every three months - of the appropriateness of his/her care and treatment, taking into account notably his/her personal development and any changing needs, developments in his/her family environment, and the adequacy and necessity of the current placement in these lights. The review should be carried out by duly qualified and authorized persons, and fully involve the child and all relevant persons in the child's life.

67. The child should be prepared for all changes of care settings resulting from the planning and review processes.

VII. PROVISION OF ALTERNATIVE CARE

A. Policies

68. It is a responsibility of the State or appropriate level of government to ensure the development and implementation of coordinated policies regarding formal and informal care for all children who are without parental care. Such policies should be based on sound information and statistical data. They should define a process for determining who has responsibility for a child, taking into account the role of the child's parents or principal caregivers in his/her protection, care and development. Presumptive responsibility, unless shown to be otherwise, is with the child's parents or principal caregivers.

69. All State entities involved in the referral of, and assistance to, children without parental care, in cooperation with civil society, should adopt policies and procedures which favour information sharing and networking between agencies and individuals in order to ensure effective care, aftercare and protection for these children. The location and/or design of the agency responsible for the oversight of alternative care should be established so as to maximize its accessibility to those who require the services provided.

70. Special attention should be paid to the quality of alternative care provision, both in residential and family-based care, in particular with regard to the professional skills, selection, training and supervision of carers. Their role and functions should be clearly defined and clarified with respect to those of the child's parents or legal guardians.

71. In each country, the competent authorities should draw up a document setting out the rights of children in alternative care in keeping with the present Guidelines. Children in alternative care should be enabled to understand fully the rules, regulations and objectives of the care setting and their rights and obligations therein.

72. All alternative care provision should be based on a written statement of the provider's aims and objectives in providing the service and the nature of their responsibilities to the child that reflects the standards set by the Convention on the Rights of the Child, the present Guidelines and applicable law. All providers should be appropriately qualified or approved in accordance with legal requirements to provide alternative care services.

73. A regulatory framework should be established to ensure a standard process for the referral or admission of a child to an alternative care setting.

74. Cultural and religious practices regarding provision of alternative care, including those related to gender perspectives, should be respected and promoted to the extent that they can be shown to be consistent with the children's rights and best interests. The process of considering whether such practices should be promoted should be carried out in a broadly participatory way, involving the cultural and religious leaders concerned, professionals and those caring for children without parental care, parents and other relevant stakeholders, as well as the children themselves.

1. Informal care

75. With a view to ensuring that appropriate conditions of care are met in informal care provided by individuals or families, States should recognize the role played by this type of care and take adequate measures to support its optimal provision on the basis of an assessment of which particular settings may require special assistance or oversight.

76. Competent authorities should, where appropriate, encourage informal carers to notify the care arrangement and should seek to ensure their access to all available services and benefits likely to assist them in discharging their duty to care for and protect the child.

77. The State should recognize the de facto responsibility of informal carers for the child.

78. States should devise special and appropriate measures designed to protect children in informal care from abuse, neglect, child labour and all other forms of exploitation, with particular attention to informal care provided by non-relatives, by relatives previously unknown to the child or far from the child's habitual place of residence.

2. General conditions applying to all forms of formal alternative care arrangements

79. The transfer of a child into alternative care should be carried out with the utmost sensitivity and in a child-friendly manner, in particular involving specially trained and, in principle, non-uniformed personnel.

80. When a child is placed in alternative care, contact with his/her family, as well as with other persons close to him or her, such as friends, neighbours and previous carers, should be encouraged and facilitated, in keeping with the child's protection and best interests. The child should have access to information on the situation of his/her family members in the absence of contact with them.

81. States should pay special attention to ensuring that children in alternative care because of parental imprisonment or prolonged hospitalization have the opportunity to maintain contact with their parents and receive any necessary counselling and support in that regard.

82. Carers should ensure that children receive adequate amounts of wholesome and nutritious food in accordance with local dietary habits and relevant dietary standards, as well as with the child's religious beliefs. Appropriate nutritional supplementation should also be provided when necessary.

83. Carers should promote the health of the children for whom they are responsible and make arrangements to ensure that medical care, counselling and support are made available as required.

84. Children should have access to formal, non-formal and vocational education in accordance with their rights, to the maximum extent possible in educational facilities in the local community.

85. Carers should ensure that the right of every child, including children with disabilities, living with or affected by HIV/AIDS or having any other special needs, to develop through play and leisure activities is respected and that opportunities for such activities are created within and outside the care setting. Contacts with the children and others in the local community should be encouraged and facilitated.

86. The specific safety, health, nutritional, developmental and other needs of babies and young children, including those with special needs, should be catered for in all care settings, including ensuring their ongoing attachment to a specific carer.

87. Children should be allowed to satisfy the needs of their religious and spiritual life, including by receiving visits from a qualified representative of their religion, and to freely decide to participate or not in religious services, religious education or counselling. The child's own religious background should be respected, and no child should be encouraged or persuaded to change his/her religion or belief during a care placement.

88. All adults responsible for children should respect and promote the right to privacy, including appropriate facilities for hygiene and sanitary needs, respecting gender differences and interaction, and adequate, secure and accessible storage space for personal possessions.

89. Carers should understand the importance of their role in developing positive, safe and nurturing relationships with children, and be able to do so.

90. Accommodation in all alternative care settings should meet the requirements of health and safety.

91. States must ensure through their competent authorities that accommodation provided to children in alternative care, and their supervision in such placements, enable them to be effectively protected against abuse. Particular attention needs to be paid to the age, maturity and degree of vulnerability of each child in determining his/her living arrangements. Measures aimed at protecting children in care should be in conformity with the law and not involve unreasonable constraints on their liberty and conduct in comparison with children of similar age in their community.

92. All alternative care settings should provide adequate protection to children from abduction, trafficking, sale and all other forms of exploitation. Any consequent constraints on their liberty and conduct should be no more than are strictly necessary to ensure their effective protection from such acts.

93. All carers should promote and encourage children and young people to develop and exercise informed choices, taking account of acceptable risks and the child's age, and according to his/her evolving capacities.

94. States, agencies and facilities, schools and other community services should take appropriate measures to ensure that children in alternative care are not stigmatized during or after their placement. This should include efforts to minimize the identification of the child as being looked after in an alternative care setting.

95. All disciplinary measures and behaviour management constituting torture, cruel, inhuman or degrading treatment, including closed or solitary confinement or any other forms of physical or psychological violence that are likely to compromise the physical or mental health of the child, must be strictly prohibited in conformity with international human rights law. States must take all necessary measures to prevent such practices and ensure that they are punishable by law. Restriction of contact with members of the child's family and other persons of special importance to the child should never be used as a sanction.

96. Use of force and restraints of whatever nature should not be authorized unless strictly necessary for safeguarding the child's or others' physical or psychological integrity, in conformity with the law and in a reasonable and proportionate manner and with respect for the fundamental rights of the child. Restraint by means of drugs and medication should be based on therapeutic needs and should never be employed without evaluation and prescription by a specialist.

97. Children in care should be offered access to a person of trust in whom they may confide in total confidentiality. This person should be designated by the competent authority with the agreement of the child concerned. The child should be informed that legal or ethical standards may require breaching confidentiality under certain circumstances.

98. Children in care should have access to a known, effective and impartial mechanism whereby they can notify complaints or concerns regarding their treatment or conditions of placement. Such mechanisms should include initial consultation, feedback, implementation and further consultation. Young people with previous care experience should be involved in this process, due weight being given to their opinions. This process should be conducted by competent persons trained to work with children and young people.

99. To promote the child's sense of self-identity, a life story book comprising appropriate information, pictures, personal objects and mementoes regarding each step of the child's life should be maintained with the child's participation and made available to the child throughout his/her life.

B. Legal responsibility for the child

100. In situations where the child's parents are absent or are incapable of making day-to-day decisions in the best interests of the child, and the child's placement in alternative care has been ordered or authorized by a competent administrative body or judicial authority, a designated individual or competent entity should be vested with the legal right and responsibility to make such decisions in the place of parents, in full consultation with the child. States should ensure that a mechanism is in place for designating such an individual or entity.

101. Such legal responsibility should be attributed by the competent authorities and be supervised directly by them or through formally accredited entities, including non-governmental organizations. Accountability for the actions of the individual or entity concerned should lie with the designating body.

102. Persons exercising such legal responsibility should be reputable individuals with relevant knowledge of children's issues, an ability to work directly with children, and an understanding of any special and cultural needs of the children to be entrusted to them. They should receive appropriate training and professional support in this regard. They should be in a position to make independent and impartial decisions that are in the best interests of the children concerned and that promote and safeguard each child's welfare.

103. The role and specific responsibilities of the designated person or entity should include:

(a) Ensuring that the rights of the child are protected and that, in particular, the child has appropriate care, accommodation, health-care provision, developmental opportunities, psychosocial support, education and language support;

(b) Ensuring that the child has access to legal and other representation where necessary, consulting with the child so that the child's views are taken into account by decision-making authorities, and advising and keeping the child informed of his/her rights;

(c) Contributing to the identification of a stable solution in the child's best interests;

(d) Providing a link between the child and various organizations that may provide services to the child;

(e) Assisting the child in family tracing;

(f) Ensuring that, if repatriation or family reunification is carried out, it is done in the best interests of the child;

(g) Helping the child to keep in touch with his/her family, when appropriate.

1. Agencies and facilities responsible for formal care

104. Legislation should stipulate that all agencies and facilities must be registered and authorized to operate by social welfare services or another competent authority, and that failure to comply with such legislation constitutes an offence punishable by law. Authorization should be granted and regularly reviewed by the competent authorities on the basis of standard criteria covering, at a minimum, the agency's or facility's objectives, functioning, staff recruitment and qualifications, conditions of care and financial resources and management.

105. All agencies and facilities should have written policy and practice statements consistent with the present Guidelines, setting out clearly their aims, policies, methods and the standards applied for the recruitment, monitoring, supervision and evaluation of qualified and suitable carers to ensure that those aims are met.

106. All agencies and facilities should develop a staff code of conduct, consistent with the present Guidelines, that defines the role of each professional and of the carers in particular and includes clear reporting procedures on allegations of misconduct by any team member.

107. The forms of financing care provision should never be such as to encourage a child's unnecessary placement or prolonged stay in care arrangements organized or provided by an agency or facility.

108. Comprehensive and up-to-date records should be maintained regarding the administration of alternative care services, including detailed files on all children in their care, staff employed and financial transactions.

109. The records on children in care should be complete, up to date, confidential and secure, and include information on their admission and departure and the form, content and details of the care placement of each child, together with any appropriate identity documents and other personal information. Information on the child's family should be included in the child's file as well as in the reports based on regular evaluations. This record should follow the child throughout the alternative care period and be consulted by duly authorized professionals responsible for his/her current care.

110. The above-mentioned records could be made available to the child, as well as to the parents or guardians, within the limits of the child's right to privacy and confidentiality, as appropriate. Appropriate counselling should be provided before, during and after consultation of the record.

111. All alternative care services should have a clear policy on maintaining the confidentiality of information pertaining to each child, which all carers are aware of and adhere to.

112. As a matter of good practice, all agencies and facilities should systematically ensure that, prior to employment, carers and other staff in direct contact with children undergo an appropriate and comprehensive assessment of their suitability to work with children.

113. Conditions of work, including remuneration, for carers employed by agencies and facilities should be such as to maximize motivation, job satisfaction and continuity, and hence their disposition to fulfil their role in the most appropriate and effective manner.

114. Training should be provided to all carers on the rights of children without parental care and on the specific vulnerability of children, in particularly difficult situations, such as emergency placements or placements outside their area of habitual residence. Cultural, social, gender and religious sensitization should also be assured. States should also provide adequate resources and channels for the recognition of these professionals in order to favour the implementation of these provisions.

115. Training in dealing appropriately with challenging behaviour, including conflict resolution techniques and means to prevent acts of harm or self-harm, should be provided to all care staff employed by agencies and facilities.

116. Agencies and facilities should ensure that, wherever appropriate, carers are prepared to respond to children with special needs, notably those living with HIV/AIDS or other chronic physical or mental illnesses, and children with physical or mental disabilities.

2. Foster care

117. The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster carers and to prepare all concerned for the placement.

118. A pool of accredited foster carers should be identified in each locality, who can provide children with care and protection while maintaining ties to family, community and cultural group.

119. Special preparation, support and counselling services for foster carers should be developed and made available to carers at regular intervals, before, during and after the placement.

120. Carers should have, within fostering agencies and other systems involved with children without parental care, the opportunity to make their voice heard and to influence policy.

121. Encouragement should be given to the establishment of associations of foster carers that can provide important mutual support and contribute to practice and policy development.

C. Residential care

122. Facilities providing residential care should be small and organized around the rights and needs of the child, in a setting as close as possible to a family or small group situation. Their objective should generally be to provide temporary care and to contribute actively to the child's family reintegration or, if this is not possible, to secure his/her stable care in an alternative family setting, including through adoption or *kafala* of Islamic law, where appropriate.

123. Measures should be taken so that, where necessary and appropriate, a child solely in need of protection and alternative care may be accommodated separately from children who are subject to the criminal justice system.

124. The competent national or local authority should establish rigorous screening procedures to ensure that only appropriate admissions to such facilities are made.

125. States should ensure that there are sufficient carers in residential care settings to allow individualized attention and to give the child, where appropriate, the opportunity to bond with a specific carer. Carers should also be deployed within the care setting in such a way as to implement effectively its aims and objectives and ensure child protection.

126. Laws, policies and regulations should prohibit the recruitment and solicitation of children for placement in residential care by agencies, facilities or individuals.

D. Inspection and monitoring

127. Agencies, facilities and professionals involved in care provision should be accountable to a specific public authority, which should ensure, inter alia, frequent inspections comprising both scheduled and unannounced visits, involving discussion with and observation of the staff and the children.

128. To the extent possible and appropriate, inspection functions should include a component of training and capacity-building for care providers.

129. States should be encouraged to ensure that an independent monitoring mechanism is in place, with due consideration for the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). The monitoring mechanism should be easily accessible to children, parents and those responsible for children without parental care. The functions of the monitoring mechanism should include:

(a) Consulting in conditions of privacy with children in all forms of alternative care, visiting the care settings in which they live and undertaking investigations into any alleged situation of violation of children's rights in those settings, on complaint or on its own initiative;

(b) Recommending relevant policies to appropriate authorities with the aim of improving the treatment of children deprived of parental care and ensuring that it is in keeping with the preponderance of research findings on child protection, health, development and care;

(c) Submitting proposals and observations concerning draft legislation;

(d) Contributing independently to the reporting process under the Convention on the Rights of the Child, including to periodic State party reports to the Committee on the Rights of the Child with regard to the implementation of the present Guidelines.

E. Support for aftercare

130. Agencies and facilities should have a clear policy and carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and/or follow-up. Throughout the period of care, they should systematically aim at preparing the child to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community.

131. The process of transition from care to aftercare should take into consideration the child's gender, age, maturity and particular circumstances and include counselling and support, notably to avoid exploitation. Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system, ensuring, inter alia, avoidance of unnecessary institutionalization. Both the public and private sectors should be encouraged, including through incentives, to employ children from different care services, particularly children with special needs.

132. Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate his/her independence when leaving care.

133. Aftercare should be prepared as early as possible in the placement and, in any case, well before the child leaves the care setting.

134. Ongoing educational and vocational training opportunities should be imparted as part of life skill education to young people leaving care in order to help them to become financially independent and generate their own income.

135. Access to social, legal and health services, together with appropriate financial support, should also be provided to young people leaving care and during aftercare.

VIII. CARE PROVISION FOR CHILDREN OUTSIDE THEIR COUNTRY OF HABITUAL RESIDENCE

A. Placement of a child for care abroad

136. The present Guidelines should apply to all public and private entities and all persons involved in arrangements for a child to be sent for care to a country other than his/her country of habitual residence, whether for medical treatment, temporary hosting, respite care or any other reason.

137. States concerned should ensure that a designated body has responsibility for determining specific standards to be met regarding, in particular, the criteria for selecting carers in the host country and the quality of care and follow-up, as well as for supervising and monitoring the operation of such schemes.

138. To ensure appropriate international cooperation and child protection in such situations, States are encouraged to ratify or accede to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

B. Provision of care for a child already abroad

139. The present Guidelines, as well as other relevant international provisions, should apply to all public and private entities and all persons involved in arrangements for a child needing care while in a country other than his/her country of habitual residence, for whatever reason.

140. Unaccompanied or separated children already abroad should in principle enjoy the same level of protection and care as national children in the country concerned.

141. In determining appropriate care provision, the diversity and disparity of unaccompanied or separated children (such as ethnic and migratory background or cultural and religious diversity) should be taken into consideration on a case-by-case basis.

142. Unaccompanied or separated children, including those who arrive irregularly in a country, should not be, in principle, deprived of their liberty solely for having breached any law governing access to and stay within the territory.

143. Child victims of trafficking should neither be detained in police custody nor subjected to penalties for their involvement under compulsion in unlawful activities.

144. As soon as an unaccompanied child is identified, States are strongly encouraged to appoint a guardian or, where necessary, representation by an organization responsible for his/her care and well-being to accompany the child throughout the status determination and decision-making process.

145. As soon as an unaccompanied or separated child is taken into care, all reasonable efforts should be made to trace his/her family and re-establish family ties, when this is in the best interests of the child and would not endanger those involved.

146. In order to assist in planning the future of an unaccompanied or separated child in a manner that best protects his/her rights, relevant State and social service authorities should make all reasonable efforts to procure documentation and information in order to conduct an assessment of the child's risk and social and family conditions in his/her country of habitual residence.

147. Unaccompanied or separated children must not be returned to their country of habitual residence:

(a) If, following the risk and security assessment, there are reasons to believe that the child's safety and security are in danger;

(b) Unless, prior to the return, a suitable caregiver, such as a parent, other relative, other adult caretaker, a Government agency or an authorized agency or facility in the country of origin, has agreed and is able to take responsibility for the child and provide him/her with appropriate care and protection;

(c) If, for other reasons, it is not in their best interests, according to the assessment of the competent authorities.

148. With the above aims in mind, cooperation among States, regions, local authorities and civil society associations should be promoted, strengthened and enhanced.

149. The effective involvement of consular services or, failing that, legal representatives of the country of origin should be foreseen, when this is in the best interests of the child and would not endanger the child or his/her family.

150. Those responsible for the welfare of an unaccompanied or separated child should facilitate regular communication between the child and his/her family, except where this is against the child's wishes or is demonstrably not in his/her best interests.

151. Placement with a view to adoption or *kafala* of Islamic law should not be considered a suitable initial option for an unaccompanied or separated child. States are encouraged to consider this option only after efforts to determine the location of his/her parents, extended family or habitual carers have been exhausted.

IX. CARE IN EMERGENCY SITUATIONS

A. Application of the Guidelines

152. The present Guidelines should continue to apply in situations of emergency arising from natural and man-made disasters, including international and non-international armed conflicts, as well as foreign occupation. Individuals and organizations wishing to work on behalf of children without parental care in emergency situations are strongly encouraged to operate in accordance with the Guidelines.

153. In such circumstances, the State or de facto authorities in the region concerned, the international community and all local, national, foreign and international agencies providing or intending to provide child-focused services should pay special attention:

(a) To ensure that all entities and persons involved in responding to unaccompanied or separated children are sufficiently experienced, trained, resourceful and equipped to do so in an appropriate manner;

(b) To develop, as necessary, temporary and long-term family-based care;

(c) To use residential care only as a temporary measure until family-based care can be developed;

(d) To prohibit the establishment of new residential facilities structured to provide simultaneous care to large groups of children on a permanent or long-term basis;

(e) To prevent the cross-border displacement of children, except under the circumstances described in paragraph 159 below;

(f) To make cooperation with family tracing and reintegration efforts mandatory.

Preventing separation

154. Organizations and authorities should make every effort to prevent the separation of children from their parents or primary caregivers, unless the best interests of the child so require, and ensure that their actions do not inadvertently encourage family separation by providing services and benefits to children alone rather than to families.

155. Separations initiated by the child's parents or other primary caregivers should be prevented by:

(a) Ensuring that all households have access to basic food and medical supplies and other services, including education;

(b) Limiting the development of residential care options and restricting their use to those situations where it is absolutely necessary.

B. Care arrangements

156. Communities should be supported to play an active role in monitoring and responding to care and protection issues facing children in their local context.

157. Care within a child's own community, including fostering, should be encouraged, as it provides continuity in socialization and development.

158. As unaccompanied or separated children may be at heightened risk of abuse and exploitation, monitoring and specific support to carers should be foreseen to ensure their protection.

159. Children in emergency situations should not be moved to a country other than that of their habitual residence for alternative care except temporarily for compelling health, medical or safety reasons. In that case, this should be as close as possible to their home, they should be accompanied by a parent or caregiver known to the child, and a clear return plan should be established.

160. Should family reintegration prove impossible within an appropriate period or be deemed contrary to the child's best interests, stable and definitive solutions, such as *kafala* of Islamic law or adoption, should be envisaged; failing this, other long-term options should be considered, such as foster care or appropriate residential care, including group homes and other supervised living arrangements.

C. Tracing and family reintegration

161. Identifying, registering and documenting unaccompanied or separated children are priorities in any emergency and should be carried out as quickly as possible.

162. Registration activities should be conducted by or under the direct supervision of State authorities and explicitly mandated entities with responsibility for and experience in this task.

163. The confidential nature of the information collected should be respected and systems put in place for safe forwarding and storage of information. Information should only be shared among duly mandated agencies for the purpose of tracing, family reintegration and care.

164. All those engaged in tracing family members or primary legal or customary caregivers should operate within a coordinated system, using standardized forms and mutually compatible procedures, wherever possible. They should ensure that the child and others concerned would not be endangered by their actions.

165. The validity of relationships and the confirmation of the willingness of the child and family members to be reunited must be verified for every child. No action should be taken that may hinder eventual family reintegration, such as adoption, change of name, or movement to places far from the family's likely location, until all tracing efforts have been exhausted.

166. Appropriate records of any placement of a child should be made and kept in a safe and secure manner so that reunification can be facilitated in the future.

11/117. Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations

At its 28th meeting, on 18 June 2009, the Human Rights Council decided to adopt the following text and to submit it to the General Assembly as a matter of urgency, for its implementation:

"*Bearing in mind* General Assembly resolutions 60/251 of 15 March 2006 and 62/219 of 22 December 2007, Human Rights Council resolution 5/1 of 18 June 2007 and 8/1 of 18 June 2008, Council decision 9/103 of 24 September 2008 and President's statements 8/1 of 24 September 2008 and 9/2 of 9 April 2008,

Stressing that the Working Group on the Universal Periodic Review of the Human Rights Council adopted the reports on the review of 32 Member States at its fourth and fifth sessions,

Concerned that 13 of the reports adopted by the Working Group at its fourth session were not issued as official documents of the United Nations in the six official languages prior to their consideration and adoption by the Council at its eleventh session, and that the processing and issuance of two of the reports adopted by the Working Group at its fifth session remains delayed,

Recalling the importance of multilingualism in the work of the United Nations and the need to issue all reports of the Working Group in all official languages of the Organization,

1. *Decides* that all the reports adopted by the Working Group on the Universal Periodic Review at its fourth and fifth sessions and the additional information submitted by the States under review before the adoption of the outcome by the Council shall be issued as official documents in all official languages of the United Nations prior to the twelfth session of the Council, and requests the Secretary-General to take the necessary measures to that effect;

2. *Recalls* that the Working Group should endeavour to apply in its reports the word limits established in the annex to President's statement 9/2, bearing in mind that the Working Group is entrusted with the authority to decide on the adoption of reports that exceptionally exceed those word limits;

3. *Decides* that all reports adopted by the Working Group shall be issued as official documents in all official languages of the United Nations, in a timely manner before their consideration by the Council, and requests the Secretary-General to ensure the necessary support to that effect."

28th Meeting
18 June 2009

[Adopted without a vote.]

II. Tenth session

A. RESOLUTIONS

10/1. Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1

The Human Rights Council,

Guided by the principles relating to economic, social and cultural rights enshrined in, inter alia, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Mindful of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights at the national, regional and international levels,

Reaffirming its resolution 4/1 of 23 March 2007, and recalling the resolutions adopted by the Commission on Human Rights on the question of the realization in all countries of economic, social and cultural rights,

1. *Calls upon* all States to take all measures to implement Council resolution 4/1 with a view to improving the realization of economic, social and cultural rights;

2. *Welcomes* the increase in the number of States parties to the International Covenant on Economic, Social and Cultural Rights, and reminds States parties of their obligations under the Covenant;

3. *Notes with interest* the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights as one of the important tools to help strengthen the protection of economic, social and cultural rights worldwide;

4. *Invites* all States parties to participate in the ceremony of opening for signature of the Optional Protocol, to be held in New York on 24 September 2009 during the 2009 Treaty Event, and to consider signing and ratifying or acceding to the Optional Protocol with a view to its early entry into force;

5. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations under the Covenant and, in such a context, notes the recent adoption by the Committee of general comment No. 19 on the right to social security and of the revised guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights;

6. *Also notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;

7. *Expresses* its appreciation for the activities of the Office of the United Nations High Commissioner for Human Rights in the field of economic, social and cultural rights, in particular when facilitating cooperation within its mandate, and strengthening its thematic expertise in this area at the country and regional levels, and when paying special attention to such issues as the legal protection of economic, social and cultural rights;

8. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of economic, social and cultural rights worldwide, and to enhance their cooperation in this regard;

9. *Takes note* of the reports of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights (A/HRC/7/58 and A/HRC/10/46), submitted to the Council pursuant to its resolution 4/1;

10. *Requests* the High Commissioner to continue to prepare and submit to the Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3;

11. *Decides* to remain seized of the matter.

41st meeting
25 March 2009

[Adopted without a vote.]

10/2. Human rights in the administration of justice, in particular juvenile justice

The Human Rights Council,

Recalling the Universal Declaration of Human Rights and all relevant international treaties, including the Convention on the Rights of the Child, and in particular articles 3, 37, 39 and 40 thereof,

Bearing in mind the numerous other international standards and norms in the field of the administration of justice, in particular of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), adopted by the General Assembly in its resolution 40/33 on 29 November 1985, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines") and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the Assembly in its resolutions 45/112 and 45/113 on 14 December 1990 and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, adopted by the Economic and Social Council in its resolution 2005/20 of 22 July 2005, *Recalling* all resolutions of the Council, the Commission on Human Rights, the General Assembly and the Economic and Social Council relevant to the subject, including Human Rights Council resolution 7/29 of 28 March 2008, Commission resolution 2004/43 of 19 April 2004, Assembly resolutions 62/158 of 18 December 2007 and 63/241 of 24 December 2008, and Economic and Social Council resolution 2007/23 of 26 July 2007,

Noting with interest the adoption by the Human Rights Committee of its general comment No. 32 on the right to equality before courts and tribunals and to a fair trial (CCPR/C/GC/32) and the adoption by the Committee on the Rights of the Child of general comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10),

Acknowledging the efforts made by the Secretary-General on improving the coordination of United Nations activities in the field of administration of justice, the rule of law and juvenile justice, in particular his report on the enhancement of support by the United Nations for the rule of law (A/61/636), his guidance notes on a United Nations approach to rule of law assistance and on the United Nations approach to justice for children,

Noting with interest the relevant work of the United Nations Office on Drugs and Crime in the administration of justice,

Noting with satisfaction the work of the Interagency Panel on Juvenile Justice and its members, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute, the United Nations Development Programme, the Department of Peacekeeping Operations, the Committee on the Rights of the Child and various non-governmental organizations, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in its respective work,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice,

Reaffirming that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Aware of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

Reaffirming that the best interests of the child must be a primary consideration in all decisions concerning deprivation of liberty, and in particular that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children should be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so, *Recalling* that the best interests of the child should also be a primary consideration in relation to the question of whether and how long children of imprisoned mothers should stay with them in prison, and emphasizing the responsibility of the State to provide adequate care for women in prison and their children,

1. *Welcomes* the latest report of the Secretary-General submitted to the Council on human rights in the administration of justice, including juvenile justice (A/HRC/4/102);

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Calls upon* Member States to spare no effort in providing for effective legislative, judicial, social, educative and other relevant mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards, and invites them to take into consideration the issue of human rights in the administration of justice in the universal periodic review procedure;

4. *Invites* Governments to include in their national development plans the administration of justice as an integral part of the development process, and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice, including juvenile justice;

5. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform;

6. *Invites* Governments to provide for training, including anti-racist, multicultural and gender-sensitive and child rights training, in human rights in the administration of justice, including juvenile justice, for all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals working in the field of administration of justice, including personnel deployed in international field presences;

7. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, including relevant international standards on human rights in the administration of justice, and calls on States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions and to improve the status of information on the situation of juvenile justice;

8. *Notes* the concern of the Committee on the Rights of the Child that, in all regions of the world and in relation to all legal systems, the provisions of the Convention on the Rights of the Child relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice, and welcomes the fact that the Committee makes concrete recommendations concerning the improvement of national juvenile justice systems, including the implementation of juvenile justice legislation;

9. *Encourages* States that have not yet integrated children's issues in their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should only be used as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

10. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

11. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons under 18 years of age;

12. *Invites* Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem;

13. *Emphasizes* that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary carer, priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interest of the child;

14. *Welcomes* the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the United Nations Development Programme in the field of administration of justice, in particular juvenile justice, and invites States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

15. *Calls upon* relevant special procedures of the Council to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

16. *Calls upon* the United Nations High Commissioner for Human Rights to reinforce advisory services and technical assistance relating to national capacity-building in the field of the administration of justice, in particular juvenile justice, taking into account, inter alia, the Nairobi Declaration on the role of national human rights institutions in the administration of justice, adopted at the ninth international conference of the International Coordinating Committee of national human rights institutions on 24 October 2008;

17. *Calls upon* the Secretary-General and the High Commissioner to strengthen system-wide coordination in this area further, including by providing assistance to national human rights institutions in implementing the Nairobi Declaration and by supporting further the Interagency Panel on Juvenile Justice in its work to respond favourably to requests for technical assistance in the field of juvenile justice;

18. *Requests* the Secretary-General to submit a report to the Council at its thirteenth session on the latest developments, challenges and good practices in human rights in the administration of justice, including juvenile justice and conditions for women and children in detention, as well as in the activities undertaken by the United Nations system as a whole;

19. *Requests* the High Commissioner to report to the Council at its thirteenth session on the implementation of the present resolution;

20. *Decides* to continue its consideration of this issue under the same agenda item in accordance with its annual programme of work.

41st meeting
25 March 2009

[Adopted without a vote.]

10/3. World Programme for Human Rights Education

The Human Rights Council,

Recalling General Assembly resolutions 43/128 of 8 December 1988, in which the Assembly launched the World Public Information Campaign on Human Rights, 59/113 A of 10 December 2004, 59/113 B of 14 July 2005 and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council would promote human rights education and learning, as well as Commission on Human Rights resolution 2005/61 of 20 April 2005 and Subcommission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006, concerning the World Programme for Human Rights Education, structured in consecutive phases, and the Plan of Action for its first phase (2005-2007),

Recalling also Council resolutions 6/9 of 28 September 2007 on the development of public information activities in the field of human rights and 6/24 of 28 September 2007, in which the Council extended to December 2009 the first phase of the World Programme focusing on the primary and secondary school systems,

Noting paragraphs 49 to 51 of the Plan of Action of the first phase of the World Programme, according to which, at the conclusion of the first phase, Member States are expected to prepare their national evaluation reports, taking into consideration progress made in a number of areas, such as legal frameworks and policies, curricula, teaching and learning processes and tools, revision of textbooks, teacher training and improvement of the school environment, and to provide their final national evaluation reports to the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System through the Office of the United Nations High Commissioner for Human Rights,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the World Programme for Human Rights Education (A/HRC/9/4);

2. *Requests* the High Commissioner to consult with States Members of the United Nations, national human rights institutions and intergovernmental and non-governmental organizations on the possible focus, in terms of target sector or thematic area, of the second phase of the World Programme to begin on 1 January 2010, and to submit a report on those consultations to the Council at its twelfth session;

3. *Encourages* States Members of the United Nations to start taking steps for the preparation of their national evaluation reports on the first phase, with the assistance of international and regional organizations, as well as civil society actors, to be provided to the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System early in 2010;

4. *Decides* to consider this issue at its twelfth session under the same agenda item.

41st meeting
25 March 2009

[Adopted without a vote.]

10/4. Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and welcoming the decisions of the United Nations Climate Change Conference, held in Bali, Indonesia, in December 2007, and in particular the adoption of the Bali Action Plan,

Reaffirming also the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, and recognizing that human beings are at the centre of concerns for sustainable development and that the right to development must be fulfilled so as to meet equitably the development and environmental needs of present and future generations, *Reaffirming further* that all human rights are universal, indivisible, interdependent and interrelated and that they must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling its resolution 7/23 of 28 March 2008 on human rights and climate change,

Taking note of the report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights (A/HRC/10/61),

Noting that climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights including, inter alia, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, the right to self-determination and human rights obligations related to access to safe drinking water and sanitation, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that while these implications affect individuals and communities around the world, the effects of climate change will be felt most acutely by those segments of the population who are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability,

Recognizing also that climate change is a global problem requiring a global solution, and that effective international cooperation to enable the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change in accordance with the provisions and principles of the Convention is important in order to support national efforts for the realization of human rights implicated by climate change-related impacts,

Affirming that human rights obligations and commitments have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

1. *Decides* to hold a panel discussion on the relationship between climate change and human rights at its eleventh session in order to contribute to the realization of the goals set out in the Bali Action Plan and to invite all relevant stakeholders to participate therein;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a summary of the panel discussion and decides to make the summary available to the Conference of the Parties to the United Nations Framework Convention on Climate Change for its consideration;

3. *Welcomes* the decision of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living to prepare and present a thematic report on the potential impact of climate change on the right to adequate housing, and encourages other relevant special procedure mandate holders to give consideration to the issue of climate change within their respective mandates;

4. *Welcomes* the steps taken by the Office of the High Commissioner and the secretariat of the United Nations Framework Convention on Climate Change to facilitate exchange of information in the area of human rights and climate change;

5. *Encourages* the Office of the High Commissioner to participate at a senior level, during the High-level Meeting on Climate Change, to be held ahead of the general debate of the General Assembly at its sixty-fourth session, and at the fifteenth session and Conference of the Parties to the United Nations Framework Convention on Climate Change.

41st meeting
25 March 2009

[Adopted without a vote.]

10/5. Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Council,

Taking note also of the report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the High Commissioner (A/HRC/10/45),

Taking note further of the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner (A/59/65-E/2004/48 and Add.1) and on the funding and staffing of the Office (JIU/REP/2007/8),

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Expressing its concern that, despite the repeated requests to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for more than half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined,

Reaffirming the importance of continuing the ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution, *Reaffirming* that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Welcomes* the statement made by the United Nations High Commissioner for Human Rights in her report that achieving geographical balance in the staff of the Office of the High Commissioner will remain one of her priorities, and requests the High Commissioner to continue to take all measures needed to redress the current imbalance in geographical distribution of the staff of the Office;

2. *Notes* the increase in the percentage of staff from regions identified as requiring better representation and the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while stressing that the imbalance in geographical distribution is still prominent;

3. *Takes note* of the progress achieved towards improved geographic diversity in the staff of the Office, and takes note also of the commitment of the High Commissioner to remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

4. *Requests* the High Commissioner to work on the broadest geographic diversity of her staff by enhancing the implementation of measures to achieve a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a zero-growth cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

5. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

6. *Requests* future High Commissioners to continue to enhance the ongoing efforts made in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

7. *Underlines* the importance of continuing to promote geographical diversity in the recruitment of and promotion to high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;

8. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

9. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments, and also recalls the request that he submit to the General Assembly proposals

for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure equitable geographic distribution in relation to the total number of staff of the Secretariat;

10. *Encourages* the General Assembly to consider further measures for promoting desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities and various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

11. *Welcomes* the significant increase in the human and financial resources allocated to the activities of the Office of the High Commissioner and the impact it should have on the geographic composition of the Office;

12. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006, and underlines the priority importance that the Assembly continue to provide support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

13. *Requests* the High Commissioner to submit a comprehensive and updated report to the Council at its thirteenth session, in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in geographical composition of the staff of the Office.

42nd meeting
26 March 2009

[Adopted by a recorded vote of 33 to 12, with 2 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Chile, Republic of Korea.]

10/6. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3 thereof, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 for enhancing genuine cooperation among Member States in the field of human rights, *Recalling* the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000, Assembly resolution 63/180 of 18 December 2008 and Council resolution 7/3 of 27 March 2008,

Recalling also the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

8. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the enhancement of international cooperation in the field of human rights (A/HRC/10/26);

9. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

10. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

11. *Requests* the High Commissioner to consult States and intergovernmental and non-governmental organizations on ways and means, including obstacles and challenges, as well as possible proposals to overcome them, for the enhancement of international cooperation and dialogue in the United Nations human rights machinery, including the Council, as recognized by the General Assembly in the preamble of its resolution 60/251 of 15 March 2006, and to present a report on her findings to the Council at the relevant session in 2010;

12. *Decides* to continue its consideration of the question in 2010, in accordance with its annual programme of work.

42nd meeting
26 March 2009

[Adopted without a vote.]

10/7. Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities

The Human Rights Council,

Reaffirming its resolution 7/9 of 27 March 2008, continuing a framework for the Council's consideration of the rights of persons with disabilities, and welcoming the efforts of all stakeholders to implement the resolution, *Reaffirming also* its commitment to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, to promote respect for their inherent dignity and to eliminate discrimination against persons with disabilities,

Stressing the importance of effective national legislative, policy and institutional frameworks for the full enjoyment of rights by persons with disabilities,

1. *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 3 May 2008, as well as the convening of the first meeting of the Conference of States parties and of the Committee on the Rights of Persons with Disabilities;

2. *Also welcomes* the fact that, to date, 139 States and 1 regional integration organization have signed and 50 have ratified the Convention, and that 82 have signed and 29 have ratified the Optional Protocol, and calls upon those States and regional integration organizations that have not yet done so to consider ratifying or acceding to the Convention and the Optional Protocol as a matter of priority;

3. *Encourages* States that have ratified the Convention and have submitted one or more reservations to the Convention to implement a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing the reservations;

4. *Takes note with appreciation* of the thematic study on key legal measures for the ratification and effective implementation of the Convention prepared by the Office of the United Nations High Commissioner for Human Rights (A/HRC/10/48), and invites all stakeholders to consider the study when designing and implementing measures for the promotion and protection of the rights of persons with disabilities, including the establishment of national frameworks to this effect;

5. *Encourages* States to undertake promptly a review of all legislation and other measures so as to identify and modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

6. *Calls upon* States to take all appropriate measures to prohibit by law and eliminate any form of discrimination on the basis of disability and to ensure equal and effective legal protection to persons with disabilities from discrimination on all grounds;

7. *Encourages* States to exchange information and experiences on legislative measures and models that guarantee the human rights of persons with disabilities, on an equal basis with others, including on measures for accessibility, reasonable accommodation, equal recognition before the law, access to justice and supported decision-making;

8. *Calls upon* States to take specific measures to give practical effect to the principle of non-discrimination on the basis of disability and to the provision of reasonable accommodation, including in the administrative, justice and education sectors and, where appropriate, special measures to enhance the effective implementation of the Convention and the Optional Protocol thereto;

9. *Encourages* States to adopt or strengthen policies and programmes to promote awareness of and increase expertise in the rights of persons with disabilities in all branches of government, including through training programmes for public officials and agents, taking into account multiple or aggravated forms of discrimination experienced by persons with disabilities;

10. *Calls upon* States to take measures to guarantee the enjoyment of political rights of persons with disabilities and to promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, on an equal basis with others, and to promote their participation in the formulation of policies and programmes;

11. *Also calls upon* States to monitor the effectiveness of steps taken to eliminate discrimination on the basis of disability by any person, organization or enterprise in, inter alia, the housing, transport, health, labour and education sectors and, in so doing, to develop methodologies for ensuring compliance with the principles of non-discrimination and accessibility, taking duly into account the need to consult closely with and actively involve persons with disabilities and their representatives in such processes;

12. *Further calls upon* States to ensure that persons with disabilities have effective access to justice and to effective remedies and redress, on an equal basis with others, including administrative and judicial remedies for persons with disabilities whose enjoyment of human rights is denied;

13. *Encourages* States, in consultation with relevant stakeholders, to collect and compile disaggregated data to measure national progress and to identify barriers that prevent or undermine the full enjoyment by persons with disabilities of their human rights, and to formulate appropriate steps to remove such barriers;

14. *Acknowledges* the important role that national monitoring mechanisms, including independent mechanisms such as national human rights institutions, play in protecting and promoting the rights of persons with disabilities;

15. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with its resolution 7/9;

16. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its thirteenth session, and that it will focus on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a study to enhance awareness on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities, in consultation with relevant stakeholders, including States, regional organizations, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be available on the website of the Office of the High Commissioner, in an accessible format, prior to the thirteenth session of the Council;

18. *Also requests* the Office of the High Commissioner to continue to elaborate and disseminate training and awareness-raising material on the rights of persons with disabilities and the implementation of the Convention, and to continue to contribute, as required, to national efforts in the development of tools to mainstream the rights of persons with disabilities, taking into consideration good practices;

19. *Requests* the Secretary-General to continue to ensure that the mandate of the Office of the High Commissioner on the rights of persons with disabilities is adequately resourced for the fulfilment of its tasks;

20. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the session referred to in paragraph 16 above, as well as in regular and special sessions of the Council and its working groups.

42nd meeting
26 March 2009

[Adopted without a vote.]

10/8. Draft United Nations guidelines for the appropriate use and conditions of alternative care for children

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights and the Convention on the Rights of the Child, and celebrating the twentieth anniversary of the Convention in 2009,

Reaffirming also all previous resolutions on the rights of the child of the Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008 and 9/13 of 24 September 2008 and General Assembly resolution 63/241 of 23 December 2008,

Welcomes the progress made during consultations on the draft United Nations guidelines for the appropriate use and conditions of alternative care for children and decides to continue efforts to take action on them at its eleventh session.

42nd meeting
26 March 2009

[Adopted without a vote.]

10/9. Arbitrary detention

The Human Rights Council,

Reaffirming articles 3, 9, 10 and 29 and other relevant provisions of the Universal Declaration of Human Rights, *Recalling* articles 9, 10, 11, and 14 to 22 of the International Covenant on Civil and Political Rights,

Recalling also Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 March 1997 and Council resolution 6/4 of 28 September 2007, in which the Council extended the mandate of the Working Group on Arbitrary Detention for a further period of three years,

1. *Stresses* the importance of the work of the Working Group on Arbitrary Detention and encourages it to pursue the fulfilment of its mandate, as set out in Council resolution 6/4;

2. *Takes note* of the report of the Working Group (A/HRC/10/21), including the recommendations contained therein;

3. *Requests* the States concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. *Encourages* all States:

(*a*) To give due consideration to the recommendations of the Working Group;

(*b*) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with the relevant international standards and the applicable international legal instruments;

(*c*) To respect and promote the right of anyone who is arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power and to be entitled to trial within a reasonable time or to release;

(*d*) To respect and promote the right of anyone who is deprived of his/her liberty by arrest or detention to be entitled to bring proceedings before a court, in order that the court may decide without delay on the lawfulness of his/her detention and order his/her release if the detention is not lawful, in accordance with their international obligations;

(*e*) To ensure that the right referred to in subparagraph (d) above is equally respected in cases of administrative detention, including administrative detentions in relation to public security legislation;

(*f*) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

5. *Also encourages* all States concerned to ensure that any measures taken to combat terrorism comply with their obligations to ensure protection against arbitrary detention, bearing in mind relevant recommendations of the Working Group;

6. *Further encourages* all States to ensure that immigrants in an irregular situation and asylum-seekers are protected from arbitrary arrest and detention and to take action to prevent any form of arbitrary deprivation of liberty of immigrants and asylum-seekers, and notes with appreciation that some States have successfully implemented alternative measures to detention for undocumented migrants;

7. *Notes with concern* the comments made by the Working Group in its report (A/HRC/10/21) on the effects caused by corruption on the effective protection of human rights, including the right not to be subject to arbitrary detention;

8. *Encourages* all States to cooperate with the Working Group, and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

9. *Notes with concern* that a persistent proportion of urgent appeals of the Working Group has been left unanswered, and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

10. *Expresses* its profound thanks to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

11. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

12. *Requests* the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly with regard to the staffing and resources needed for the effective fulfilment of its mandate, especially in respect of field missions;

13. *Decides* to continue consideration of the matter in conformity with its programme of work.

42nd meeting
26 March 2009

[Adopted without a vote.]

10/10. Enforced or involuntary disappearances

The Human Rights Council,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right to life, liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law, *Recalling* Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission established a working group to examine questions relevant to enforced or involuntary disappearances,

Recalling also General Assembly resolution 47/133 of 18 December 1992, in which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Acknowledging the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that its entry into force as soon as possible through its ratification by 20 States will be a significant event,

Deeply concerned by the increasing number of cases of enforced or involuntary disappearances around the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Acknowledging that acts of enforced disappearance may amount to crimes against humanity as defined in the Rome Statute of the International Criminal Court,

Recognizing the importance of the right of victims to know the truth regarding the circumstances of the enforced disappearance, as set out in article 24 (2) and the preamble of the International Convention for the Protection of All Persons from Enforced Disappearance, so as to contribute to end impunity and to promote and protect human rights,

Recalling the Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II), and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1),

Recalling also its resolution 7/12 of 27 March 2008, in which it extended the mandate of the Working Group on Enforced or Involuntary Disappearances for a further period of three years,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (A/HRC/10/9) and of the recommendations contained therein;

2. *Stresses* the importance of the work of the Working Group, and encourages it to pursue the fulfilment of its mandate as set out in resolution 7/12;

3. *Calls on* the Governments that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so and to give due consideration to relevant recommendations concerning this subject made by the Working Group in its reports;

4. *Urges* States:

(*a*) To promote and give full effect to the Declaration on the Protection of All Persons from Enforced Disappearance;

(*b*) To cooperate with the Working Group to help it to carry out its mandate effectively and, in that framework, give serious consideration to responding favourably to its requests for visits to their countries;

(*c*) To prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a judicial authority promptly after detention;

(*d*) To work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearances as a crucial step in effective prevention;

(*e*) To prevent and investigate with special attention enforced disappearances of persons belonging to vulnerable groups, especially children, and enforced disappearances of women, as they may become particularly vulnerable to sexual violence and other forms of violence, and to bring the perpetrators of those enforced disappearances to justice;

(*f*) To take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, with special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families;

5. *Urges* the Governments concerned:

(*a*) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(*b*) To continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice, including after considering establishing, where appropriate, specific judicial mechanisms or truth and reconciliation commissions that complement the justice system;

(*c*) To make provision in their legal systems for victims of enforced or involuntary disappearances or their families to seek fair, prompt and adequate reparation and in addition, where appropriate, to consider symbolic measures recognizing the suffering of victims and restoring their dignity and reputation;

(*d*) To address the specific needs of the families of disappeared persons;

6. *Reminds* States that:

(*a*) As proclaimed in article 2 of the Declaration on the Protection of All Persons from Enforced Disappearance, no State shall practise, permit or tolerate enforced disappearances;

(*b*) All acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties, which should take due account of their extreme seriousness under criminal law;

(*c*) They should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(*d*) If such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be brought to justice;

(*e*) Impunity is simultaneously one of the underlying causes of enforced disappearances and a major obstacle to the elucidation of cases thereof;

(*f*) As proclaimed in article 11 of the Declaration, all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured;

7. *Expresses*:

(*a*) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and the Governments that have accepted visits of the Working Group to their countries, requesting them to give all necessary attention to the Working Group's recommendations and inviting them to inform the Working Group of any action that they take on those recommendations;

(*b*) Its appreciation to the Governments that are investigating, cooperating at the international and bilateral levels, and have developed or are developing appropriate mechanisms to investigate any claims of enforced disappearance that are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

8. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced or involuntary disappearances and in giving effect to the principles set forth in the Declaration;

9. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration, and invites those organizations to continue their cooperation;

10. *Requests* the Secretary-General to continue:

(*a*) To ensure that the Working Group receives all the assistance and resources it requires to perform its functions, including supporting the principles of the Declaration, carrying out and following up on missions, and holding sessions in countries that are prepared to receive it;

(*b*) To provide the resources needed to update the database on cases of enforced disappearance;

(*c*) To keep the Working Group and the Council regularly informed of the steps taken for the wide dissemination and promotion of the Declaration;

11. *Encourages* States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to consider doing so, and States that are in the process of signing, ratifying or acceding to this instrument to complete their internal procedures towards those ends in compliance with domestic legislation as soon as possible;

12. *Invites* States to consider joining all efforts to share information on best practices and to work towards the early entry into force of the Convention with the aim of its universality;

13. *Decides* to continue consideration of the matter in conformity with its programme of work.

42nd meeting
26 March 2009

[Adopted without a vote.]

10/11. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including General Assembly resolution 63/164 of 18 December 2008 and Council resolution 7/21 of 28 March 2008, in which the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination was extended for a period of three years and its tasks were outlined,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Convention for the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter,

Alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Extremely alarmed and concerned about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity and respect of the constitutional order of the affected countries,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third powers, inter alia, encourage the demand for mercenaries on the global market;

3. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

5. *Calls upon* all States that have not yet done so to consider taking the necessary action to become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

6. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

7. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

8. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples, and commends the Governments of Africa for their collaboration in thwarting these illegal actions;

9. *Calls upon* the international community, in accordance with its obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

10. *Acknowledges with appreciation* the work and contributions made by the Working Group, and takes note with appreciation of its latest report (A/HRC/10/14);

11. *Requests* the Working Group to continue the work already done by the previous special rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report submitted to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/15);

12. *Notes with appreciation* the work of the Working Group on its elaboration of concrete principles on the regulation of private companies offering military assistance, consultancy and other military security-related services on the international market, carried out by the Working Group after country visits and through the process of regional consultations, and consultation with academics and intergovernmental and non-governmental organizations, and reflected in the reports of the Working Group submitted to the General Assembly at its sixty-third session and to the Council at its tenth session;

13. *Requests* the Working Group:

(*a*) To consult with intergovernmental and non-governmental organizations, academic institutions and experts on the content and scope of a possible draft convention on private companies offering military assistance, consultancy and other military security-related services on the international market, and an accompanying model law, and other legal instruments;

(*b*) To share with Member States, through the Office of the United Nations High Commissioner for Human Rights, elements for a possible draft convention on private military and security companies, to request their input on the content and scope of such a convention and to transmit their replies to the Working Group;

(*c*) To report to the Council at its fifteenth session on the progress achieved in the elaboration of the draft legal instrument for proper consideration and action;

14. *Requests* the Office of the High Commissioner, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military security-related services on the international market on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

15. *Expresses* its appreciation to the Office of the High Commissioner for its support for convening in the Russian Federation the regional governmental consultation for States in the Eastern European Group and Central Asia region on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

16. *Requests* the Office of the High Commissioner to continue to support the Working Group when convening regional governmental consultations on this matter, in conformity with paragraph 15 of General Assembly resolution 62/145, with the remaining three to be held before the end of 2010, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the protection and promotion of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

17. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

19. *Requests* the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-fourth session and to the Council at its fifteenth session;

20. *Decides* to continue its consideration of this matter under the same agenda item at its fifteenth session.

42nd meeting
26 March 2009

[Adopted by a recorded vote of 32 to 12, with 3 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Chile, Mexico, Switzerland.]

10/12. The right to food

The Human Rights Council,

Recalling all previous General Assembly and Council resolutions on the right to food, in particular Assembly resolution 63/187 of 18 December 2008 and Council resolution 7/14 of 27 March 2008, as well as all resolutions of the Commission on Human Rights in this regard,

Recalling also the holding of its seventh special session, at which it analysed the negative impact of the worsening of the world food crisis on the realization of the right to food for all, and that a follow-up to that issue is being carried out,

Recalling further the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

Reaffirming the concrete recommendations contained in the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004, *Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have a global dimension and that there has been insufficient progress made on reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world population and the stress on natural resources,

Noting that environmental degradation, desertification and global climate change are factors contributing to destitution and desperation and have a negative impact on the realization of the right to food, in particular in developing countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

Welcoming the recent pledges to increase official development assistance devoted to agriculture, and recalling that the realization of the right to food does not only entail increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers and the most vulnerable groups and national and international policies that are conducive to the realization of this right,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that more than 6 million children still die every year from hunger-related illnesses before their fifth birthday, that there are at least 963 million undernourished people in the world and that, while the prevalence of hunger has diminished, the absolute number of undernourished people has been increasing in recent years when, according to a study by the Food and Agriculture Organization of the United Nations, the planet could produce enough food to feed 12 billion people, twice the world's present population;

4. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* States, in accordance with their relevant obligations under the Convention on the Elimination of All Forms of Discrimination against Women, to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves and their families;

6. *Stresses* the need to guarantee fair and non-discriminatory access to land rights for smallholders, traditional farmers and their organizations, including in particular rural women and vulnerable groups;

7. *Encourages* the Special Rapporteur on the right to food to ensure the mainstreaming of a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective and a human rights perspective into their relevant policies, programmes and activities regarding access to food;

8. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

9. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to adopt national strategies for the realization of the right to adequate food and to consider establishing appropriate institutional mechanisms, in order to:

(*a*) Identify, at the earliest stage possible, emerging threats to the right to adequate food, with a view to facing them;

(*b*) Strengthen the overall national human rights protection system with a view to contributing to the realization of the right to food;

(*c*) Improve coordination between the different relevant ministries and between national and subnational levels of government;

(*d*) Improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation;

(*e*) Ensure the adequate participation, particularly of the most food-insecure segments of the population;

(*f*) Pay specific attention to the need to improve the situation of the most vulnerable segments of society;

10. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1 and article 11, paragraph 2 thereof, in particular with regard to the right to adequate food;

11. *Stresses* that improving access to productive resources and public investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

12. *Recognizes* that 80 per cent of hungry people live in rural areas, and 50 per cent are small-scale and traditional farm holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of various inputs and the fall in farm incomes, that access to land, water, seeds and other natural resources is an increasing challenge for poor producers, and that support by States for small farmers, fishing communities and local enterprises is a key element to food security and provision of the right to food;

13. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa;

14. *Also stresses* its commitments to promote and protect, without discrimination, the economic, social and cultural rights of indigenous peoples, in accordance with international human rights obligations, and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep

concerns at the obstacles and challenges that they face in the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

15. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

16. *Recognizes* the need to strengthen national commitment and international assistance, upon request and in cooperation with affected countries, for a better realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or natural or man-made disasters affecting the enjoyment of the right to food;

17. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

18. *Takes note* of the report of the Special Rapporteur on the right to food (A/HRC/10/5), in which he examines how development cooperation and food aid policies could make a contribution to the realization of the right to food everywhere;

19. *Encourages* the Special Rapporteur to continue cooperating with States in order to enhance the contribution of development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

20. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

21. *Takes note* of the report of the Special Rapporteur on the right to food on his mission to the World Trade Organization (A/HRC/10/5/Add.2), and encourages the Special Rapporteur to continue to engage with the World Trade Organization to follow up on the issues of concern identified in his report;

22. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

23. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all Governments, international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

24. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

25. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

26. *Stresses* the importance of international development cooperation and assistance, in particular in activities related to disaster risk reduction and in emergency situations, such as natural and man-made disasters, diseases and pests, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

27. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

28. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

29. *Recognizes* the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power and of increased volatility of prices of agricultural commodities on the international markets, particularly on people in developing countries and on net-food importing countries;

30. *Supports* the realization of the mandate of the Special Rapporteur as extended for a period of three years by the Council in its resolution 6/2 of 27 September 2007;

31. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

32. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

33. *Recalls* general comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

34. *Reaffirms* that the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

35. *Acknowledges* the work undertaken by the Advisory Committee on the right to food;

36. *Requests* the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies, and to report thereon to the Council at its thirteenth session;

37. *Welcomes* the continued cooperation of the United Nations High Commissioner for Human Rights, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

38. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his/her task to supply all necessary information requested by him/her and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him/her to fulfil his/her mandate more effectively;

39. *Recalls* the requests made by the General Assembly, in its resolution 63/187, that the Special Rapporteur submit to it an interim report at its sixty-fourth session on the implementation of that resolution and to continue his/her work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

40. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his/her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

41. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Council at its thirteenth session;

42. *Decides* to continue consideration of this matter under the same agenda item at its thirteenth session.

42nd meeting
26 March 2009

[Adopted without a vote.]

10/13. Human rights and arbitrary deprivation of nationality

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Reaffirming its resolution 7/10 as well as all previous resolutions adopted by the Commission on Human Rights on the issue of human rights and the arbitrary deprivation of nationality,

Recognizing the right of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

Noting the provisions of international human rights instruments and international instruments on statelessness and nationality prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; article 24, paragraph 3 of the International Covenant on Civil and Political Rights; articles 7 and 8 of the Convention on the Rights of the Child; articles 1 to 3 of the Convention on the Nationality of Married Women; article 9 of the Convention on the Elimination of All Forms of Discrimination against Women; article 18 of the Convention on the Rights of Persons with Disabilities; the Convention on the Reduction of Statelessness; and the Convention relating to the Status of Stateless Persons,

Recalling that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 63/148 of 18 December 2008, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

Noting the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, as guided by, in particular, the conclusion of its Executive Committee on the identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) 2006, *Mindful* of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying those to individuals in their populations because of nationality, ethnicity, race, religion or language,

Recalling General Assembly resolutions 55/153 of 12 December 2000 and 59/34 of 2 December 2004 on the nationality of natural persons in relation to the succession of States,

Taking note with appreciation of the report of the Secretary-General submitted in accordance with Council resolution 7/10[1] and the contributions made to it by States and other stakeholders,

Recognizing that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the independent expert on minority issues on the subject of the right to nationality,[2]

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that arbitrarily depriving a person of his or her nationality may lead to statelessness and, in this regard, expressing concern at various forms of discrimination against stateless persons that violate the obligations of States under international human rights law,

Emphasizing that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right;

2. *Recognizes* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, is a violation of human rights and fundamental freedoms;

3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless;

4. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

---

[1] A/HRC/10/34.

[2] A/HRC/7/23.

5. *Encourages* States that have not acceded to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons to consider doing so;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality;

7. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and legal incapacity;

8. *Recognizes* the special needs of children for protection against arbitrary deprivation of nationality;

9. *Calls upon* States to ensure access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality;

10. *Urges* relevant United Nations human rights mechanisms and the appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

11. *Requests* the Secretary-General to prepare a report on the right to nationality, with emphasis on the issue of arbitrary deprivation of nationality, including in cases of States succession, taking into account the information gathered pursuant to Council resolution 7/10, similar studies conducted by the Subcommission for the Promotion and Protection of Human Rights and other relevant sources of information, and to present it to the Council at its thirteenth session;

12. *Decides* to continue its consideration of this matter at its thirteenth session under the same agenda item.

42nd meeting
26 March 2009

[Adopted without a vote.]

10/14. Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments, *Reaffirming* all previous resolutions on the rights of the child of the Commission on Human Rights, the Council and the General Assembly, the most recent being Council resolution 7/29 of 28 March 2008 and Assembly resolution 63/241 of 23 December 2008,

Welcoming the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/HRC/10/86),

Celebrating the twentieth anniversary of the Convention in 2009 and taking this opportunity to call for its effective implementation by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms,

Bearing in mind paragraph 47 of Council resolution 7/29 and particularly the Council's decision to consider an omnibus resolution on the rights of the child every four years, and to focus on a theme of the rights of the child on an annual basis in the intervening period,

Welcoming the constructive dialogue on "20 years of the Convention on the Rights of the Child: achievements and challenges ahead for its full realization" on the occasion of the full-day annual meeting on the rights of the child on 11 March 2009 and renewed commitment expressed on this occasion by States to the implementation of the Convention,

Recalling the different initiatives at the international and regional levels to contribute to the implementation of the Convention and international events, such as the recent Third World Congress against Sexual Exploitation of Children and Adolescents, held in November 2008 in Rio de Janeiro,

Profoundly concerned that the situation of children in many parts of the world remains critical and convinced that urgent and effective national and international action is needed,

1. *Calls on* the States that have not yet become States parties to the Convention and the Optional Protocols thereto to do so as a matter of priority;

2. *Calls on* all States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto, and encourages all States parties to the Convention or the Optional Protocols to establish a regular procedure to regularly evaluate the impact of their reservations to the Convention and the Optional Protocols, with a view to withdrawing them in order to ensure the fullest possible respect for the Convention and the Optional Protocols in all States parties;

3. *Requests* the States parties to take effective measures to ensure that their obligations arising from the Convention are given effect and comprehensively implemented through policy and legislation within their domestic systems and to review their national legislation with this aim;

4. *Calls upon* all States parties to systematically assess any proposed law, administrative guidance, policy or budgetary allocation that is likely to have an impact on children and their rights, taking into account the interdependence and indivisibility of the rights of the child and ensuring appropriate enforcement of their obligations under the Convention and the Optional Protocols thereto;

5. *Also calls upon* all States to ensure that development and evaluation of States policies on children are informed by available, sufficient, reliable and disaggregated data on children, covering the whole period of childhood and all the rights guaranteed in the Convention;

6. *Urges* all States to develop or renew, as appropriate through a process of consultation, including with children and young people and their representatives, as well as those living and working with them, comprehensive national strategies for children, taking into account the Convention, setting out specific goals, targeted implementation measures and allocation of financial and human resources and including arrangements for monitoring and regular review, and to endorse this strategy at the highest level of government and ensure its comprehensive dissemination, including in child-friendly formats as well as in appropriate languages and forms;

7. *Recognizing* that the sufficient allocation of resources in public spending, including in primary education and basic health care, is a fundamental condition for the full realization of the rights of the child, calls upon States to make children a priority in their budgetary allocations, make resources allocated to children visible in the State budget through a detailed compilation of resources allocated to them and to take all necessary measures to ensure that children, including in particular marginalized and disadvantaged groups of children, are protected from the adverse effects of financial downturns;

8. *Calls on* States to take all appropriate measures, including legal reforms and special support measures, to ensure the enjoyment by children of all their human rights and fundamental freedoms without discrimination of any kind;

9. *Recalls* the United Nations target for international development assistance of 0.7 per cent of gross domestic product and the 20/20 initiative,[3] and calls upon all States to ensure that their international development assistance related directly or indirectly to children is rights-based and supports the implementation of the Convention;

10. *Calls on* all States to establish, maintain, strengthen or designate, in complementarity to effective governmental structures for children, independent mechanisms such as national human rights institutions in accordance with the Paris Principles, children's ombudspersons, commissioners or focal points on the rights of the child in national human rights institutions that are sufficiently funded and accessible to children, to promote and monitor the implementation of the Convention and advance the universal realization of children's rights;

11. *Also calls on* all States to ensure that child-sensitive procedures are made available to children and their representatives so that children have access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views are heard when they are involved or their interests concerned in justice procedures;

12. *Further calls on* States to develop further, as appropriate, effective mechanisms that encourage and facilitate expression by children of their views, in particular with regard to the

---

[3] Outcome document of the World Summit for Social Development.

formulation of public policies from the local level up to the national level, and to ensure meaningful participation of children and reflection of their views in monitoring and reporting on the implementation of the Convention;

13. *Calls upon* all States to promote and develop, as appropriate, practical and systematic education and training for all those involved in the implementation of the Convention, government officials, parliamentarians and members of the judiciary, and for all those working with and for children as well as continuous specific education for children themselves, with the aim of emphasizing the status of the child as a holder of human rights, increasing knowledge and understanding of the Convention and encouraging active respect for all its provisions;

14. *Urges* States parties to publish and disseminate widely the text of the Convention and the Optional Protocols thereto as well as national reports submitted to the Committee on the Rights of the Child and concluding observations and recommendations of that Committee to all, including children, by effective means, including the Internet, and also in appropriate languages and in child-friendly and other accessible formats;

15. *Encourages* States parties to take duly into account, in implementing the provisions of the Convention and the Optional Protocols thereto, the recommendations, observations and general comments of the Committee on the Rights of the Child;

16. *Welcomes* the actions of the Committee on the Rights of the Child to follow up and monitor the implementation of its concluding observations and recommendations by the States parties and, in this regard, particularly underlines the regional workshops and the Committee's participation in national-level initiatives;

17. *Also welcomes* the role that the Office of the United Nations High Commissioner for Human Rights plays in promoting the implementation of the Convention and the Optional Protocol thereto and, while noting with satisfaction the recent establishment of the Office-wide task force on the rights of the child, encourages the Office of the High Commissioner, in collaboration with the United Nations Children's Fund and other relevant United Nations agencies, to ensure further the systematic integration of child rights into its programmes and activities;

18. *Calls on* all States parties, while implementing the Convention and the Optional Protocol thereto, to work closely with civil society organizations, including child and youth-led organizations;

19. *Affirms* its commitment to integrate the provisions of the Convention and the Optional Protocols thereto into its work in a regular, systematic and transparent manner, and requests the special procedures and other human rights mechanisms of the Council to take into account the relevant provisions of the Convention and the Optional Protocols thereto in the fulfilment of their mandates;

20. *Calls on* States parties to integrate the Convention on the Rights of the Child and the Optional Protocols thereto in the universal periodic review process, and encourages States parties to take into account the relevant recommendations derived thereof in implementing the Convention and the Optional Protocols thereto;

21. *Encourages* States parties, while implementing the Committee's recommendations, to request, as appropriate, the technical support of United Nations agencies and other relevant international institutions in their country or region;

22. *Requests* the High Commissioner to prepare a summary of the full-day meeting on the rights of the child on an annual basis by way of follow-up to paragraph 7 of Council resolution 7/29;

23. *Recalling* Council resolution 7/29 and General Assembly resolution 63/241, expresses deep concern at the delay in the appointment of the Special Representative of the Secretary-General on Violence against Children, and requests the Secretary-General to proceed urgently to that appointment in accordance with Assembly resolution 62/141, and to report to the Council at its eleventh session on progress made in this regard;

24. *Decides* to continue its consideration of the rights of the child in accordance with its programme of work and with its resolution 7/29, and to focus its next resolution and full-day meeting on the fight against sexual violence against children.

43rd meeting
26 March 2009

[Adopted without a vote.]

10/15. Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Reaffirming its decision 2/112 of 27 November 2006 and its resolutions 6/28 of 14 December 2007 and 7/7 of 27 March 2008, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, and recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007 and 63/185 of 18 December 2008, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

1. *Calls upon* States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, in the context of countering terrorism;

3. *Deeply deplores* the suffering caused by terrorism to the victims and their families and expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;

4. *Reaffirms* its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism and, in that regard, calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which reaffirms, inter alia, respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

5. *Calls upon* States, while countering terrorism, to ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations where appropriate, including by bringing to justice those responsible for such violations;

6. *Urges* States, while countering terrorism, to protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

7. *Also urges* States, while countering terrorism, to respect the right to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;

8. *Invites* States to study the recent list of principles of the Working Group on Arbitrary Detention on the deprivation of liberty in the context of measures to counter terrorism related to articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights (A/HRC/10/21);

9. *Recognizes* that the universal periodic review mechanism may serve as a tool for the promotion and protection of human rights and fundamental freedoms while countering terrorism, and urges all stakeholders to continue to increase their efforts in this regard;

10. *Acknowledges* the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/10/3);

11. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

12. *Requests* the Special Rapporteur, pursuant to his mandate, to prepare, working in consultation with States and other relevant stakeholders, a compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight, and to present the compilation in a report to the Council at its thirteenth session;

13. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism submitted to the Council (A/HRC/8/13) as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the

General Assembly in its resolution 60/158 on the protection of human rights and fundamental freedoms while countering terrorism, and requests the High Commissioner to continue her efforts in this regard;

14. *Requests* the High Commissioner and the Special Rapporteur to contribute further appropriately to the ongoing discussion regarding the efforts of States Members of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on and removing individuals and entities from terrorism-related sanctions lists;

15. *Stresses* the importance that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance related to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, the respect of international human rights law and, as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance that they offer to States related to counter-terrorism, including by drawing on the advice of, and otherwise ensuring the ongoing dialogue with, the special procedures of the Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

16. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Council at its thirteenth session under agenda item 3, in conformity with its annual programme of work.

43rd meeting
26 March 2009

[Adopted without a vote.]

10/16. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 7/15 of 27 March 2008 and Assembly resolution 63/190 of 18 December 2008, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto, *Bearing in mind* the reports submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/63/322 and A/HRC/10/18), and urging the implementation of the recommendations contained therein,

Having reviewed the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,

Deeply concerned at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea and at the unresolved questions of international concern relating to the abduction of nationals of other States, and urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

Deploring the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him, and allow him access to the country,

Alarmed by the precarious humanitarian situation in the country,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Recognizing the vulnerability of women, children, persons with disabilities and the elderly, and the need to ensure their protection against neglect, abuse, exploitation and violence,

1. *Expresses* serious concern at the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Council resolution 7/15, for a period of one year;

4. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all necessary information to enable him to fulfil his mandate;

5. *Also urges* the Government of the Democratic People's Republic of Korea to engage fully and positively with the universal periodic review process in December 2009, with a view to improving the human rights situation through effective engagement with the international community;

6. *Further urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles;

7. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

8. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

9. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 26 to 6, with 15 abstentions. The voting was as follows:

In favour: Argentina, Bahrain, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, Chile, France, Germany, Ghana, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Against: China, Cuba, Egypt, Indonesia, Nigeria, Russian Federation;

Abstaining: Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Djibouti, Gabon, India, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Senegal, South Africa.]

10/17. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 63/99 of 5 December 2008, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory, *Reaffirming* the principle of the inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/63/401), in which the Committee referred to the grave deterioration of the human rights situation in the occupied Syrian Golan and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 7/30 of 28 March 2008,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 23 years, and calls on Israel to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that aim to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Council at its thirteenth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirteenth session.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Canada;

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

10/18. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

The Human Rights Council,

Guided by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force, *Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Recalling relevant resolutions of the Commission on Human Rights, the Council, the Security Council and the General Assembly, reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories,

Mindful that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Considering that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

Recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Affirming that the Israeli settlement activities in the Occupied Palestinian Territory constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

Recalling its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

Expressing its grave concern about the continuation by Israel, the occupying Power, of settlements building and expansion in the Occupied Palestinian Territory, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

Expressing its concern that continuing Israeli settlement activity undermines the realization of a two-State solution,

Expressing grave concern at the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around

East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudge future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

Deeply concerned that the route of the wall has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

Expressing its concern at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/10/20), and calls upon the Government of Israel to cooperate with all relevant special rapporteurs in accordance with Council resolution S-9/1 to allow them to discharge their mandates fully;

2. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the Occupied Palestinian Territory, particularly in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State and are in violation of international law and Israeli pledges at the Annapolis Peace Conference;

3. *Expresses its grave concern* at:

(*a*) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the Occupied Palestinian Territory, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(*b*) The Israeli planned settlement construction in the vicinity of the Adam settlements in the occupied West Bank, which constitutes a new settlement block;

(*c*) The increasing number of newly built structures, in 2008 amounting to 1,257, including 748 permanent buildings and 509 mobile structures, which obstruct the efforts of the international community to advance the Middle East peace process;

(*d*) The implications for the final status negotiations of the announcement by Israel that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(*e*) The expansion of Israeli settlements and the construction of new ones in the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would be tantamount to de facto annexation;

(*f*) The continued closures of and within the Occupied Palestinian Territory, and the restriction of the freedom of movement of people and goods, including the repeated closures of the crossing points of the Occupied Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(*g*) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

(*h*) The latest Israeli plan to demolish more than 88 houses in the Al-Bustan neighbourhood of Silwan, which will result in the displacement of more than 1,500 Palestinian residents of East Jerusalem;

4. *Urges* Israel, the occupying Power:

(*a*) To reverse the settlement policy in the occupied territories, including in East Jerusalem and the Syrian Golan and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including "natural growth" and related activities;

(*b*) To prevent any new installation of settlers in the occupied territories;

5. *Urges* the full implementation of the Agreement on Movement and Access of 15 November 2005, particularly the urgent reopening of the Rafah and Karni crossings, which are crucial to the passage of foodstuffs and essential supplies, as well as the access of United Nations agencies to and within the Occupied Palestinian Territory;

6. *Calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

7. *Also calls upon* Israel to implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights on her visit to the Occupied Palestinian Territory, Israel, Egypt and Jordan (E/CN.4/2001/114);

8. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice;

9. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors' Conference for the

Palestinian State and to implement fully the road map endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) and 338 (1973), and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo accords and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its thirteenth session in March 2010.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 46 to 1, with no abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Germany, Ghana, India, Indonesia, Italy, Japan, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: Canada.]

10/19. Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Guided also by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

Affirming the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Affirming also the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem,

Condemning all forms of violence against civilians and deploring the loss of human lives in the context of the current situation, *Recognizing* that the Israeli military attacks and operations in the Occupied Palestinian Territory have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts towards achieving a just and lasting peace in the region based on the two-State solution,

Recognizing also that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, leads to disastrous humanitarian, economic and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and to respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which have resulted in the killing and injury of thousands of Palestinians civilians, including a large number of women and children, and also condemns the firing of crude rockets on Israeli civilians;

3. *Demands* that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, and the targeting of United Nations facilities, as laid down in the Fourth Geneva Convention;

4. *Also demands* that Israel, the occupying Power, cease immediately all current excavations beneath and around the Al-Aqsa Mosque compound, and refrain from any act that may endanger the structure or change the nature of the holy sites both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

5. *Calls for* immediate protection of all civilians, including an international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, both applicable in the Occupied Palestinian Territory, including East Jerusalem;

6. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory and of the firing of crude rockets by Palestinian combatants against southern Israel;

7. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in the East Jerusalem neighbourhood of Al-Bustan in the Selwan area, near the Al-Aqsa Mosque, which will result in the displacement of more than 1,500 Palestinian residents of East Jerusalem;

8. *Demands* that the occupying Power, Israel, release Palestinian prisoners and detainees;

9. *Calls upon* the occupying Power, Israel, to lift checkpoints and to open all crossing points and borders in accordance with international agreements;

10. *Urges* all parties concerned to respect the rules of international human rights and humanitarian law and to refrain from violence against civilian populations;

11. *Decides* to continue the consideration of this question at its thirteenth session in March 2010.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 35 to 4, with 8 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Switzerland, Uruguay, Zambia;

Against: Canada, Germany, Italy, Netherlands;

Abstaining: Cameroon, France, Japan, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

10/20. Right of the Palestinian people to self-determination

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) on 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular part I, paragraphs 2 and 3 thereof, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions, that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002, *Recalling further* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Recalling the resolutions adopted in this regard by the Commission on Human Rights, the latest being resolution 2005/1 of 7 April 2005,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations and relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue the consideration of this question at its thirteenth session in March 2010.

43rd meeting
26 March 2009

[Adopted without a vote.]

10/21. Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

The Human Rights Council,

Recalling its resolution S-9/1 of 12 January 2009,

Recalling also its decision to dispatch an urgent, independent international fact-finding mission, to be appointed by the President of the Council, to investigate all violations of international human rights law and international humanitarian law by the occupying Power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, due to the latest aggression, and that it called upon Israel not to obstruct the process of investigation and to fully cooperate with the mission,

Expressing with regret that resolution S-9/1 has not been fully implemented to date,

1. *Requests* the President of the Council to continue his tireless efforts to appoint the independent international fact-finding mission;

2. *Calls upon* the occupying Power, Israel, to abide by its obligations under international law, international humanitarian law and international human rights law;

3. *Demands* that the occupying Power, Israel, fully cooperate with all relevant special procedures mandate holders in the discharge of their mandates;

4. *Also demands* that the occupying Power, Israel, facilitate and provide unhindered access to the members of the independent international fact-finding mission;

5. *Decides* to remain seized of the matter.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Canada;

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

10/22. Combating defamation of religions

The Human Rights Council,

Reaffirming the pledge made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 16 September 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind, and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

Recognizing the valuable contribution of all religions to modern civilization and the contribution that dialogue among civilizations can make towards improved awareness and understanding of the common values shared by all humankind,

Welcoming the resolve expressed in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000, to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Underlining in this regard the importance of the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, welcoming the progress achieved in implementing them, and emphasizing that they constitute a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Welcoming all international and regional initiatives to promote cross-cultural and interfaith harmony, including the Alliance of Civilizations and the International Dialogue on Interfaith Cooperation for Peace and Harmony, and their valuable efforts in the promotion of a culture of peace and dialogue at all levels,

Welcoming also the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Council at its fourth, sixth and ninth sessions (A/HRC/4/19, A/HRC/6/6 and A/HRC/9/12), in which the Special Rapporteur highlighted the serious nature of the defamation of all religions and the need to complement legal strategies,

Noting with deep concern the instances of intolerance, discrimination and acts of violence against followers of certain faiths occurring in many parts of the world, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities following the events of 11 September 2001, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

Stressing that defamation of religions is a serious affront to human dignity leading to a restriction on the freedom of religion of their adherents and incitement to religious hatred and violence,

Noting with concern that defamation of religions and incitement to religious hatred in general could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions and, in this context, stressing the need to effectively combat defamation of all religions and incitement to religious hatred in general and against Islam and Muslims in particular, *Convinced* that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, are essential for global peace and understanding, while manifestations of cultural and ethnic prejudice, religious intolerance and xenophobia generate hatred and violence among peoples and nations,

Underlining the important role of education in the promotion of tolerance, which involves acceptance by the public of and its respect for diversity,

Noting the various regional and national initiatives to combat religious and racial intolerance against specific groups and communities, and emphasizing, in this context, the need to adopt a comprehensive and non-discriminatory approach to ensure respect for all races and religions,

Recalling its resolution 7/19 of 27 March 2008 and General Assembly resolution 63/171 of 18 December 2008,

1. *Takes note* of the study of the United Nations High Commissioner for Human Rights on the compilation of existing legislation and jurisprudence concerning defamation of and contempt for religions (A/HRC/9/25) and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/9/12) presented to the Council at its ninth session;

2. *Expresses deep concern* at the negative stereotyping and defamation of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world, which have led to intolerance against the followers of these religions;

3. *Strongly deplores* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites, religious symbols and venerated personalities of all religions;

4. *Expresses deep concern* at the continued serious instances of deliberate stereotyping of religions, their adherents and sacred persons in the media, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the overall campaign of defamation of religions and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

6. *Recognizes* that, in the context of the fight against terrorism, defamation of religions and incitement to religious hatred in general have become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as to their economic and social exclusion;

7. *Expresses deep concern* in this respect that Islam is frequently and wrongly associated with human rights violations and terrorism and, in this regard, regrets the laws or administrative measures specifically designed to control and monitor Muslim minorities, thereby stigmatizing them and legitimizing the discrimination they experience;

8. *Reaffirms* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-Terrorism Strategy, adopted without a vote by the General Assembly in its resolution 60/288 of 8 September 2006 and reaffirmed by the Assembly in its resolution 62/272 of 5 September 2008, in which it clearly reaffirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or group, as well as the need to reinforce the commitment of the international community to promote, among other things, a culture of peace and respect for all religions, beliefs and cultures and to prevent the defamation of religions;

9. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, as well as the targeting of religious symbols and venerated persons;

10. *Emphasizes* that, as stipulated in international human rights law, including articles 19 and 29 of the Universal Declaration of Human Rights and articles 19 and 20 of the International Covenant on Civil and Political Rights, everyone has the right to hold opinions without interference and the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations only as provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and general welfare;

11. *Reaffirms* that general comment No. 15 of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

12. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges all States to apply and, where required, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur, in order to deny impunity for those who commit such acts;

13. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general, and to take all possible measures to promote tolerance and respect for all religions and beliefs;

14. *Underscores* the need to combat defamation of religions and incitement to religious hatred in general by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-building;

15. *Calls upon* all States to make the utmost effort, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

16. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and urges States, non-governmental organizations, religious leaders as well as the print and electronic media to support and foster such a dialogue;

17. *Expresses its appreciation* to the High Commissioner for holding a seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, in October 2008, and requests her to continue to build on this initiative, with a view to contributing concretely to the prevention and elimination of all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

18. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all rights by their followers, to the Council at its twelfth session;

19. *Requests* the High Commissioner to report to the Council at its twelfth session on the implementation of the present resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

43rd meeting
26 March 2009

[Adopted by a recorded vote of 23 to 11, with 13 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Indonesia, Jordan, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa;

Against: Canada, Chile, France, Germany, Italy, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Argentina, Brazil, Bosnia and Herzegovina, Burkina Faso, Ghana, India, Japan, Madagascar, Mauritius, Mexico, Republic of Korea, Uruguay, Zambia.]

10/23. Independent expert in the field of cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments, *Recalling also* all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 62/155 of 18 December 2007 and 63/22 of 13 November 2008, and Council resolution 6/6 of 28 September 2007,

Noting the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001 respectively,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and annexes thereto,

Welcoming the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and which entered into force on 18 March 2007,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Determined to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls*, as expressed in the Universal Declaration on Cultural Diversity, that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights;

6. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity (A/HRC/10/60);

7. *Expresses its appreciation* to the States and intergovernmental and non-governmental organizations that responded to or participated in the consultations held pursuant to Commission on Human Rights resolutions 2002/26 of 22 April 2002, 2003/26 of 22 April 2003, 2004/20 of 16 April 2004 and 2005/20 of 14 April 2005, and pursuant to Council resolution 6/6 of 28 September 2007;

8. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

9. *Decides* to establish, for a period of three years, a new special procedure entitled "independent expert in the field of cultural rights", as set out in the relevant United Nations human rights instruments, with the following mandate:

(*a*) To identify best practices in the promotion and protection of cultural rights at the local, national, regional and international levels;

(*b*) To identify possible obstacles to the promotion and protection of cultural rights, and to submit proposals and/or recommendations to the Council on possible actions in that regard;

(*c*) To work in cooperation with States in order to foster the adoption of measures at the local, national, regional and international levels aimed at the promotion and protection of cultural rights through concrete proposals enhancing subregional, regional and international cooperation in that regard;

(*d*) To study the relationship between cultural rights and cultural diversity, in close collaboration with States and other relevant actors, including in particular the United Nations Educational, Scientific and Cultural Organization, with the aim of further promoting cultural rights;

(*e*) To integrate a gender and disabilities perspective into his and her work;

(*f*) To work in close coordination, while avoiding unnecessary duplication, with intergovernmental and non-governmental organizations, other special procedures of the Council, the Committee on Economic, Social and Cultural Rights and the United Nations Educational, Scientific and Cultural Organization, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, including by attending and following up on relevant international conferences and events;

10. *Calls upon* all Governments to cooperate with and assist the independent expert in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;

11. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the independent expert;

12. *Requests* the independent expert to present his or her first report to the Council in March 2010 in accordance with its programme of work;

13. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

43rd meeting
26 March 2009

[Adopted without a vote.]

10/24. Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel

The Human Rights Council,

Recalling all resolutions on torture and other cruel, inhuman or degrading treatment or punishment and on forensic science adopted by the General Assembly, the Commission on Human Rights and the Council,

Recalling also the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance and state of emergency, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments,

Noting the duty of medical and other health personnel to practice for the good of the patients and never do harm or injustice pursuant to the Hippocratic oath and their respective professional codes of ethics,

Recalling that it is a gross contravention of medical ethics for medical and other health personnel to engage, actively or passively, in acts that constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment pursuant to the Principles of Medical Ethics, *Stressing* that medical and other health personnel have a duty to provide competent medical service in full professional and moral independence, with compassion and respect for human dignity, and to always bear in mind human life and to act in the patient's best interest under their respective professional codes of ethics,

Noting the duty of all medical and other health personnel to report or denounce acts of torture or cruel, inhuman or degrading treatment of which they are aware to relevant medical, judicial, national or international authorities as appropriate under and consistent with their respective professional codes of ethics,

Noting also that, under the Geneva Conventions of 1949, torture and inhuman treatment are a grave breach and that under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court, acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment, and stresses that all acts of torture must be made offences under domestic criminal law;

3. *Stresses* that an order or instruction from a superior officer or a public authority should not be invoked as justification of torture or other cruel, inhuman or degrading treatment or punishment and that States must never request or require anyone, including any medical or other health personnel, to commit any act of torture or other cruel, inhuman or degrading treatment or punishment;

4. *Urges* States to respect the professional and moral independence, duties and responsibilities of medical and other health personnel;

5. *Also urges* States to ensure that all medical and other health personnel may fulfil their duty to report or denounce acts of torture or cruel, inhuman or degrading treatment of which they are aware to relevant medical, judicial, national or international authorities as appropriate under and consistent with their respective codes of ethics, without fear of retribution or harassment;

6. *Stresses* that all allegations of torture and other cruel, inhuman or degrading treatment or punishment must be examined promptly and impartially by the competent domestic

authority, including where relevant through examination by forensic experts and other relevant medical personnel, in order for those who encourage, order, tolerate or perpetrate such acts to be held responsible, brought to justice and punished commensurate with the severity of the offence;

7. *Urges* States to establish effective investigation and documentation procedures, and takes note of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a useful tool in this respect;

8. *Stresses* that States must not punish or otherwise intimidate medical and other health personnel for not obeying orders or instructions to commit, facilitate or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment or for speaking out against it;

9. *Urges* all States to provide all persons deprived of their liberty, in prisons or any other detention facility, with a professional medical examination at their admission to and transfer between such facilities and thereafter on a regular basis as a means to help prevent torture or other cruel, inhuman or degrading treatment or punishment;

10. *Also urges* all States to provide all persons deprived of their liberty with protection of their physical and mental health, treatment of any disease or care specifically needed by persons with disabilities of the same quality and standard as are afforded to persons not deprived of their liberty as a means to help prevent torture or other cruel, inhuman or degrading treatment or punishment;

11. *Recognizes* that forensic investigation can play an important role in combating impunity by providing the evidentiary basis on which prosecutions can successfully be brought against persons responsible for violations of human rights and, where applicable, international humanitarian law and encourages further coordination concerning, inter alia, the planning and realization of such investigations, as well as the protection of forensic and related experts, between Governments, intergovernmental organizations and non-governmental organizations;

12. *Calls upon* all States to ensure that education and information regarding the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment are fully included in the training of medical and other health personnel who may be involved in the custody, interrogation and treatment of any individual subjected to any form of arrest, detention or imprisonment;

13. *Urges* all States that have not yet become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to do so as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

14. *Welcomes* the designation or establishment of independent national preventive mechanisms to prevent torture, with the participation of relevant medical and other health personnel, encourages all States that have not yet established such mechanisms to do so and calls

upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms;

15. *Requests* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures and invites relevant treaty bodies, within their respective mandates:

(*a*) To remain vigilant with regard to medical and other health personnel's active or passive participation in torture and other cruel, inhuman or degrading treatment or punishment and to their functional independence of the institution in which they serve;

(*b*) To discuss possible areas of cooperation with relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization, to address the role and responsibility of medical and other health personnel in the documentation and prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) To respond effectively to credible and reliable information submitted to their attention regarding alleged cases of the active or passive participation of medical and other health personnel in torture and other cruel, inhuman or degrading treatment or punishment;

(*d*) To consider including in their reports submitted to the Council information on the problem of medical and other health personnel's participation in torture and other cruel, inhuman or degrading treatment or punishment;

16. *Requests* States to cooperate fully and in good faith with the relevant special procedures;

17. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to continue to provide advisory services to States for the prevention of torture and cruel, inhuman or degrading treatment or punishment, including concerning tools, for the investigation of alleged cases of torture;

18. *Takes note* of the report of the Special Rapporteur (A/HRC/10/44).

44th meeting
27 March 2009

[Adopted by a recorded vote of 34 to 0, with 13 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Canada, Chile, Cuba, France, Gabon, Germany, Indonesia, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Philippines, Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Abstaining: Bahrain, Bangladesh, China, Djibouti, Egypt, Ghana, India, Jordan, Malaysia, Pakistan, Qatar, Saudi Arabia, Senegal.]

10/25. Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, article 2 (2) of the International Covenant on Economic, Social and Cultural Rights and other relevant human rights provisions,

Recalling further its resolution 6/37 of 14 December 2007 and the resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief adopted by the General Assembly and the Commission on Human Rights,

Noting with interest the recent adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Firmly believing that further intensified and strong efforts are required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Noting that a formal or legal distinction at the national level between different kinds of faith-based communities may constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

Recognizing that persons belonging to religious minorities are often particularly vulnerable to discrimination based on religion or belief with regard to the enjoyment of all their human rights and fundamental freedoms, including their economic, social and cultural rights,

Seriously concerned at all attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments, particularly when in violation of international law, in particular human rights and humanitarian law,

Recognizing the importance of enhanced inter-religious and intra-religious dialogue in promoting tolerance in matters relating to religion or belief, and welcoming different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

1. *Condemns* all forms of intolerance and discrimination based on religion or belief, as well as violations of the freedom of thought, conscience, religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all people, regardless of their religion or beliefs, and without any discrimination as to their equal protection by the law;

3. *Welcomes* the report presented by the Special Rapporteur on freedom of religion or belief (A/HRC/10/8) addressing discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights, and encourages States to consider implementing the recommendations contained therein;

4. *Emphasizes* that discrimination based on religion or belief often has an adverse impact on the enjoyment of economic, social and cultural rights, particularly with regard to persons belonging to religious minorities and other persons in vulnerable situations;

5. *Urges* States:

(*a*) To ensure that everyone has the right to, inter alia, education, work, an adequate standard of living, the enjoyment of the highest attainable standard of physical and mental health and to take part in cultural life, without any discrimination on the basis of religion or belief;

(*b*) To ensure that no one is discriminated against on the basis of his or her religion or belief, in particular with regard to access to, inter alia, humanitarian assistance, social benefits or the public service in one's country;

(*c*) To ensure that no one is affected, because of his or her religion or belief, in the enjoyment of his or her economic, social and cultural rights by, inter alia, discriminatory laws on housing, property or land trust, or any discriminatory practices;

(*d*) To take the necessary measures, in accordance with international human rights law, to combat discrimination based on religion or belief by non-State actors, with particular regard to members of religious minorities and other persons in vulnerable situations;

(*e*) To devote particular attention to discriminatory practices against women on the basis of their religion or belief that adversely affect the enjoyment of their economic, social and cultural rights;

(*f*) To ensure that appropriate legal and other remedies, in accordance with international human rights law, are available to individuals in order to allow them to seek redress against discrimination based on religion or belief that affects the enjoyment of their economic, social and cultural rights;

(*g*) To promote and encourage, through all available means, including education and inter-religious dialogue, understanding, tolerance and respect in all matters relating to freedom of religion or belief and religious tolerance, and to make all appropriate efforts to encourage those engaged in teaching, as well as social workers, to promote mutual understanding, tolerance and respect;

6. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

7. *Requests* the Special Rapporteur to submit her next annual report to the Council at its thirteenth session;

8. *Decides* to remain seized of the question of the elimination of all forms of intolerance and discrimination based on religion or belief under the same agenda item.

44th meeting
27 March 2009

[Adopted by a recorded vote of 22 to 1, with 24 abstentions. The voting was as follows:

In favour: Angola, Argentina, Brazil, Canada, Chile, France, Germany, India, Italy, Japan, Mauritius, Mexico, Netherlands, Nicaragua, Republic of Korea, Russian Federation, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay;

Against: South Africa;

Abstaining: Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, Zambia.]

10/26. Forensic genetics and human rights

The Human Rights Council,

Recalling the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Taking into account Commission on Human Rights resolution 2005/66 of 20 April 2005, Council decision 2/105 of 27 November 2006 and resolution 9/11 of 24 September 2008 and the reports of the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2006/91 and A/HRC/5/7) on the right to the truth,

Taking into account also Commission on Human Rights resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994, 1996/31 of 19 April 1996, 1998/36 of 17 April 1998, 2000/32 of 20 April 2000, 2003/33 of 23 April 2003 and 2005/26 of 19 April 2005 on human rights and forensic science, *Recalling* article 32 of Additional Protocol I to the Geneva Conventions, of 12 August 1949, which recognizes the right of families to know the fate of their relatives, article 33 of Additional Protocol I, which provides that the parties to an armed conflict shall search for the persons who have been reported missing as soon as circumstances permit, and article 24 (2) of the International Convention for the Protection of All Persons from Enforced Disappearance, which sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Recalling also General Assembly resolution 61/155 of 19 December 2006 on missing persons, in which the Assembly emphasized the importance of forensics in identifying such persons, and recognized the progress achieved in this regard with the development of genetics, as well as the report of the Secretary-General on missing persons (A/63/299),

Noting the report of the International Committee of the Red Cross on missing persons and their families of February 2003,

Stressing that adequate steps to identify victims should also be taken in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law,

Recognizing the importance of restoring identity to those persons who were separated from their families of origin, including those cases where they were taken away from their relatives when they were children, in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law,

Recognizing also that forensic genetics, when applied in an independent manner and subject to international standards, may effectively contribute to the identification of the remains of victims, to the restitution of identity to those persons illegally taken away and to address the issue of impunity,

Mindful of the fact that ethical issues arising from the swift progress of science and its technological uses must be examined not only in the light of due respect for a human being's dignity, but also of the observance of human rights and fundamental freedoms, and recalling in this regard the Universal Declaration on Bioethics and Human Rights, the International Declaration on Human Genetic Data and the Universal Declaration on the Human Genome and Human Rights of the United Nations Educational, Scientific and Cultural Organization,

1. *Encourages* States to consider the use of forensic genetics to contribute to the identification of the remains of victims of serious violations of human rights and of international humanitarian law, and to address the issue of impunity;

2. *Also encourages* States to consider the use of forensic genetics to contribute to the restoration of identity to those persons who were separated from their families, including those taken away from their relatives when they were children, in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law;

3. *Stresses* the importance of providing the results of the investigations of forensic genetics to national authorities, in particular, where appropriate, to competent judicial authorities;

4. *Welcomes* the increasing use of forensic genetics in the investigations of serious violations of human rights and international humanitarian law, and calls for further cooperation between States, intergovernmental organizations and non-governmental organizations in planning and conducting such investigations consistent with applicable domestic and international law;

5. *Encourages* States to consider the use of forensic genetics to be applied pursuant to the international standards accepted by the scientific community in relation to quality assurance and control, and to ensure, where appropriate, the utmost respect for the principles of protection and confidentiality of information and restricted access to such information, and recognizes that many States have domestic legislation in place designed to protect the privacy of individuals;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to request information from States, intergovernmental and non-governmental organizations on best practices in the use of forensic genetics for identifying victims of serious violations of human rights and international humanitarian law with a view to considering the possibility of drafting a manual that may serve as a guide for the application of forensic genetics, including, where appropriate, the voluntary creation and operation of genetic banks, with appropriate safeguards;

7. *Asks* the Office of the High Commissioner to include the information requested in paragraph 6 above in a report on the use of forensic experts, to be submitted to the Council at its fifteenth session, pursuant to Council resolution 9/11;

8. *Decides* to consider this matter at its fifteenth session under the same agenda item.

44th meeting
27 March 2009

[Adopted without a vote.]

10/27. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming also previous resolutions on the situation of human rights in Myanmar of the Commission on Human Rights, Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008 and 8/14 of 18 June 2008, as well as resolutions of the General Assembly, the most recent being resolution 63/245 of 24 December 2008,

Welcoming the agreement by the Government of Myanmar to the visits of the Special Rapporteur on the situation of human rights in Myanmar from 3 to 7 August 2008 and from

14 to 19 February 2009, and also the report of the Special Rapporteur (A/HRC/10/19), while urging the implementation of the recommendations contained therein and encouraging the continuation of regular visits and the extension of full cooperation of Myanmar authorities to the Special Rapporteur,

Welcoming also the agreement by the Government of Myanmar to the visit of the Special Representative of the Secretary-General to Myanmar from 31 January to 3 February 2009, as well as the report of the Secretary-General on the situation of human rights in Myanmar (A/HRC/10/17),

Being concerned that the urgent calls contained in the above-mentioned resolutions and of other United Nations bodies concerning the human rights situation in Myanmar have not been met, and further emphasizing the need for significant progress towards meeting these calls of the international community,

Being concerned also that the violent crackdown on peaceful mass demonstrations of September 2007 and the ensuing human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment, have not been investigated and their perpetrators prosecuted,

Expressing its concern that the drafting process of the Constitution and the constitutional referendum did not meet the expectations that the political process would be free and fair, and reiterating its calls to the Government of Myanmar to ensure that the country's political processes are transparent, inclusive, free and fair,

Being concerned by the continued arbitrary house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, and by reports that, despite the recent release of 29 political prisoners, 2,100 others still remain imprisoned, in harsh conditions, in unknown locations or without charge,

Reaffirming that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, as stated in the Charter, the Universal Declaration of Human Rights and other applicable human rights instruments,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and annexes thereto,

1. *Condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Strongly urges* the Government of Myanmar to desist from further politically motivated arrests, to release without delay and without condition all political prisoners, including the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo and the leader of the 88 Generation Students Group, U Min Ko Naing;

3. *Calls for* fair and public hearings by competent, independent and impartial tribunals established by law, and expresses its concern at the deficiencies of trials leading to the harsh sentences delivered in Yangon and Mandalay since October 2008, and calls on the Government of Myanmar to rectify those deficiencies;

4. *Also calls for* a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, rape and other forms of sexual violence, torture and other forms of ill-treatment, and for bringing those responsible to justice in order to end impunity for violations of human rights;

5. *Strongly urges* the Government of Myanmar to end all forms of discrimination and to protect civil, political, economic, social and cultural rights on the basis of the Universal Declaration of Human Rights and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

6. *Welcomes* the prolongation in February 2009 of the trial period of the supplementary understanding between the International Labour Organization and the Government of Myanmar, and urges the Government to intensify measures to end its practice of forced labour, to strengthen its cooperation with the liaison office of the Organization and to ensure that there are no negative repercussions, in particular against those that seek redress;

7. *Strongly calls upon* the Government of Myanmar to put an immediate end to the recruitment and use of child soldiers in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict;

8. *Notes with appreciation* the cooperation of the Government of Myanmar with the international community, including the United Nations, in delivering humanitarian assistance to the people affected by Cyclone Nargis, and the recent extension of the Tripartite Core Group mechanism, mindful that timely access contributes to reduced suffering and loss of life;

9. *Calls upon* the Government of Myanmar to address urgently the dire humanitarian situation and to allow and facilitate rapid and unimpeded humanitarian access to all persons in need in all areas of Myanmar, while paying special attention to internally displaced persons;

10. *Expresses its concern* over the situation of the persons belonging to the Rohingya ethnic minority in Northern Rakhine State, and urges the Government of Myanmar to recognize the right of these persons to nationality and to protect all of their human rights;

11. *Calls upon* the Government of Myanmar to consider acceding to the remaining international core human rights treaties;

12. *Takes note* of the information that a number of domestic laws have been sent for review, calls upon the Government of Myanmar to ensure a transparent, inclusive and comprehensive review of compliance of all its national legislation with international human

rights law, while engaging constructively with democratic opposition and ethnic groups, and to refrain from implementing and to revoke those national legal provisions that are found to be contrary to international human rights law;

13. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and welcomes in this context the assurances given by the authorities of Myanmar to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform, and calls upon the authorities to fulfil those assurances as early as possible;

14. *Also urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

15. *Calls on* the Government of Myanmar to engage in a meaningful, substantive and time-bound process of open dialogue and national reconciliation with the full participation of representatives of all political parties and ethnic groups;

16. *Also calls on* the Government of Myanmar to ensure free and fair electoral process that is transparent and inclusive, with full and genuine participation of all stakeholders;

17. *Urges* the Government of Myanmar to guarantee the rights to the freedom of assembly, association and freedom of expression, including for free and independent media, and to lift immediately all restrictions on the exercise of these rights;

18. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Council resolution 7/32 of 28 March 2008;

19. *Urges* the Government of Myanmar to continue to respond favourably to the Special Rapporteur's requests to visit the country and to cooperate fully with him by providing access to all relevant information, bodies, institutions and persons, so as to enable him to fulfil his mandate effectively, and to implement the recommendations contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12 and A/HRC/10/19) and in Council resolutions S-5/1, 6/33, 7/31 and 8/14;

20. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fourth session and to the Council in accordance with its annual programme of work;

21. *Calls upon* the Office of the High Commissioner to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully;

22. *Calls upon* the Government of Myanmar to continue to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

23. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, encourages the Government of Myanmar to allow regular visits of his Special Representative on Myanmar to facilitate a genuine and inclusive political process, and calls on the Government to ensure full cooperation with the Secretary-General, his representative and the Special Rapporteur.

44th meeting
27 March 2009

[Adopted without a vote.]

10/28. United Nations Declaration on Human Rights Education and Training

The Human Rights Council,

Recalling Council resolution 6/10 of 28 September 2007, in which the Council requested the Human Rights Council Advisory Committee to prepare a draft Declaration on Human Rights Education and Training, to be presented to the Council for its consideration,

Mindful and appreciative of the efforts made on this issue by the International Labour Organization, the United Nations Children's Fund, the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, as well as by other relevant stakeholders, including educators and non-governmental organizations,

Underlining in particular the role of the United Nations Educational, Scientific and Cultural Organization in promoting human rights education,

Welcoming the interest expressed by a high number of stakeholders in their answers to the questionnaire prepared by the Advisory Committee seeking their views and inputs on the possible elements of the content of the draft Declaration on Human Rights Education and Training,

Welcoming with satisfaction the progress report on the draft Declaration on Human Rights Education and Training submitted to the Council by the Committee at the current session,

1. *Urges* all relevant stakeholders that have not yet submitted their responses to the questionnaire prepared by the Advisory Committee on the possible elements of the content of the Declaration to do so, and to take into account existing relevant instruments;

2. *Welcomes* the initiative of the Platform for Human Rights Education and Training to organize a seminar, with the participation of experts and specialists and the assistance and expertise of the Office of the United Nations High Commissioner for Human Rights and all interested parties, in order to further the reflection on elements to be included in the draft Declaration;

3. *Requests* the Advisory Committee to submit its draft Declaration on Human Rights Education and Training to the Council for consideration at its thirteenth session.

45th meeting
27 March 2009

[Adopted without a vote.]

10/29. The Social Forum

The Human Rights Council,

Recalling all previous resolutions and decisions adopted on the Social Forum by the former Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

Recalling also its resolutions 5/1 of 18 June 2007 and 6/13 of 28 September 2007,

Bearing in mind that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on respect for human dignity, and noting the report of the Chairperson-Rapporteur of the 2008 Social Forum, held in Geneva from 1 to 3 September 2008, which focused on questions relating to the eradication of poverty in the context of human rights, best practices in the fight against poverty and the social dimension of the globalization process,

Reaffirming the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States, civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Social Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Takes note with satisfaction* of the report of the 2008 Social Forum submitted by the Chairman-Rapporteur (A/HRC/10/65);

2. *Takes note with interest* of the conclusions and recommendations of the 2008 Social Forum and of the innovative nature of many of them, and calls upon States, international organizations, in particular those with a mandate for poverty eradication, non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing poverty-eradication programmes and strategies;

3. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including grass-roots organizations, and stresses the need to ensure a greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the Social Forum sessions, and to this end considers, inter alia, the possibility of the establishment of a voluntary United Nations fund to contribute to providing resources to these organizations so that they may participate in and contribute to the deliberations of future sessions;

4. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;

5. *Requests* that the next meeting of the Social Forum be held during 2009, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and decides that, at its next meeting, the Social Forum should focus on:

(*a*) The negative impact of economic and financial crises on efforts to combat poverty;

(*b*) National anti-poverty programmes: best practices of States in implementing social security programmes from a human rights perspective;

(*c*) International assistance and cooperation in combating poverty;

6. *Decides* that the Social Forum will meet for three working days, in order that it may devote:

(*a*) Two days to thematic discussions on the topics of the Forum;

(*b*) One day to an interactive debate with relevant thematic procedures mandate holders of the Council on issues related to the topics of the Social Forum, and to formulating conclusions and recommendations to be presented to relevant bodies through the Council;

7. *Requests* the President of the Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2009 Social Forum, bearing in mind the principle of regional rotation;

8. *Invites* the appointed Chairperson-Rapporteur to announce, in a timely manner, the most appropriate dates for convening the 2009 Social Forum, after holding consultations with States Members of the United Nations and other stakeholders;

9. *Requests* the United Nations High Commissioner for Human Rights to consult all actors identified in the present resolution on the issues referred to in paragraph 5 above and to present a report as a background contribution for the dialogues and debates that will be held at the 2009 Social Forum;

10. *Also requests* the High Commissioner to facilitate the participation in the 2009 Social Forum, in order to assist the Chairperson-Rapporteur as resource persons, of up to four relevant Council thematic procedures mandate holders, in particular the independent expert on the question of human rights and extreme poverty and the independent expert on human rights and international solidarity;

11. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions, specialized agencies and organizations, in particular

the United Nations Development Programme, the World Bank, the International Monetary Fund, the World Trade Organization and the United Nations Conference on Trade and Development, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and shall also be open to other non-governmental organizations, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, in particular newly emerging actors such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, regional banks and other financial institutions and international development agencies, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

12. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

13. *Requests* the Secretary-General to take the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum and take all practical measures required for the success of this initiative;

14. *Invites* the 2009 Social Forum to submit a report to the Council;

15. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and also requests the High Commissioner to provide all the necessary support to facilitate the convening and proceedings of the Forum;

16. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2009 Social Forum is submitted to the Council.

45th meeting
27 March 2009

[Adopted without a vote.]

10/30. Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination

The Human Rights Council,

Recalling its decision 3/103 of 8 December 2006 in which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it decided to establish the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, with a mandate to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred,

Recalling also its resolution 3/2 of 8 December 2006, in which it reaffirmed that there would be no renegotiation of the Durban Declaration and Programme of Action,

Welcoming the progress achieved during the meetings held during the first and second parts of the first session of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and expressing the common desire of the international human rights system and the need to enhance the momentum of this process with a view to ensuring the timely fulfilment of the mandate of the Ad Hoc Committee,

Recalling the need to provide adequate protection for victims of racism, racial discrimination, xenophobia and related intolerance, as well as appropriate remedies while combating all forms of impunity in this regard,

1. *Endorses* the road map adopted by the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards during the second part of its first session as a guiding framework document for all future work in this regard;

2. *Requests* the Chairperson-Rapporteur to ensure that the outcome referred to in the road map is circulated in a timely manner to all stakeholders, in order that complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects may be elaborated from the second session onwards;

3. *Decides* that all future sessions of the Ad Hoc Committee shall be convened in a consolidated period of 10 consecutive working days;

4. *Also decides* that the second session of the Ad Hoc Committee will be held in October 2009;

5. *Further decides* to retain this priority issue on its programme of work and to review progress at its thirteenth session.

45th meeting
27 March 2009

[Adopted by a recorded vote of 34 to 13, with no abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

10/31. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, as well as Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Recalling also its resolutions 1/5 of 30 June 2006, 3/2 of 8 December 2006 and 9/14 of 24 September 2008,

Noting with interest the work of the Working Group of Experts on People of African Descent as set out in its mandate, to continue to find ways and means to fulfil its mandate optimally, particularly in the areas of directly linking and consulting with the affected communities of people of African descent living in the diaspora, including liaising with financial and developmental institutions with a view to contributing to developmental programmes for the benefit of people of African descent, as well as conducting country visits,

Recognizing the challenges that have impeded the Group of Five Independent Eminent Experts from fully discharging its mandate in following up on the implementation of the Durban Declaration and Programme of Action,

Appreciating all efforts made by the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action in its constructive work aimed at the effective implementation of the Durban Declaration and Programme of Action, in accordance with its mandate,

1. *Takes note of* the work of the Five Independent Eminent Experts on the follow-up to the implementation of the provisions of the Durban Declaration and Programme of Action in line with their mandate;

2. *Also takes note of* the report of the Working Group of Experts on People of African Descent and welcomes its workplan for the period 2009-2011, stressing the need to ensure the availability of the necessary resources, and furthermore calls on the Office of the United Nations High Commissioner for Human Rights to avail the necessary resources and support to allow the Working Group to discharge its mandate fully, in particular the undertaking of country visits and holding of public meetings with people of African descent living in the diaspora;

3. *Welcomes* the report of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action;

4. *Decides* to remain seized of this important issue.

45th meeting
27 March 2009

[Adopted without a vote.]

10/32. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolution 7/35 of 28 March 2008,

Reaffirming its respect for sovereignty, territorial integrity, political independence and unity in Somalia,

Welcoming the positive political developments and progress made in the Djibouti peace process in Somalia, including the voluntary resignation of former President Abdullahi Yusuf Ahmed on 29 December 2008, 10 months ahead of the conclusion of his term, the convening of the Transitional Federal Parliament in Djibouti, the election of President Shaikh Sharif Sheik Ahmed on 30 January 2009, the endorsement by the Parliament of Prime Minister Omar Abdirashid Ali Sharmarke on 14 February 2009 and the subsequent formation of a new Government,

Recalling its resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007,

Welcoming the commitment and efforts undertaken by the African Union to support Somali-led efforts towards reconciliation and stability and the efforts made by international and regional stakeholders to help Somalia re-establish stability, peace and security in its national territory, as well as the recent extension of the mandate of the African Union Mission in Somalia for an additional three months,

Reiterating that humanitarian, human rights and development assistance are of paramount importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

1. *Expresses its serious concern* at the human rights and humanitarian situation in Somalia, and calls for an immediate end to all violations;

2. *Takes note with appreciation* of the work undertaken by the independent expert on the situation of human rights in Somalia and of his report (A/HRC/10/85);

3. *Invites* the independent expert to continue his work until the end of September 2009, without prejudice to the relevant provision of Council resolution 5/1;

4. *Encourages* in the meantime the Office of the United Nations High Commissioner for Human Rights to reach a comprehensive agreement with Somali authorities on technical cooperation and human and institutional capacity-building at the national and regional level in the field of human rights inside Somalia, including for the legislative sector, the judiciary, law enforcement agencies and education, as well as conducting public-awareness campaigns, all in

line with the priorities and the framework determined by the Somali authorities, including, inter alia, the creation of the most favourable conditions for the work of the independent expert, in order to further renew his mandate;

5. *Calls upon* the international community to stand by the legitimate Somali institutions and to provide adequate, timely and tangible support in order to enhance their capacity, as part of an integrated approach that encompasses political, security and human rights dimensions;

6. *Requests* the Secretary-General to provide the independent expert with all necessary human, technical and financial assistance in carrying out his mandate;

7. *Requests* the independent expert to present an update to his report to the Council at its twelfth session;

8. *Decides* to remain seized of the matter.

45th meeting
27 March 2009

[Adopted without a vote.]

10/33. Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services

The Human Rights Council,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolution 5/1 of 18 June 2007,

Recalling further Council resolution 7/20 of 27 March 2008, in which it called on the international community to provide the Democratic Republic of the Congo with the various forms of assistance that the Democratic Republic of the Congo requested, with a view to improving the human rights situation,

Recalling its resolution S-8/1 of 1 December 2008, in which the Council condemned the acts of violence, human rights violations and abuses committed in Kivu, in particular sexual violence and the recruitment of child soldiers by the militia,

Expressing its appreciation for the role played by the international community, in particular by the African Union and the European Union, towards enhancing the rule of law and improving the human rights situation in the Democratic Republic of the Congo,

Considering that the pertinent work undertaken by the Office of the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo is complementary to that of the thematic special rapporteurs and must be sufficiently reinforced, *Taking into consideration* that the presence of the Office of the High Commissioner in the Democratic Republic of the Congo and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo have been merged with a view to achieving more efficiency in their work on the human rights situation in the country,

Considering the existence of a national programme for the promotion and protection of human rights in the Democratic Republic of the Congo and the willingness of the Government of the country to implement the same, in particular through the earmarking of greater budget allocations to the Ministry of Human Rights, whose structures will have to be expanded into provinces to enable greater protection of human rights,

Having reviewed the activity of the thematic special rapporteurs in relation to the human rights situation in the Democratic Republic of the Congo,

1. *Welcomes* the commitment of the Democratic Republic of the Congo to pursue technical cooperation with the various thematic representatives and special rapporteurs as part of the follow-up to the human rights situation in the Democratic Republic of the Congo;

2. *Also welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and its invitation to a number of them, including the Special Rapporteur on the situation of human rights defenders and the Representative of the Secretary-General on the human rights of internally displaced persons, to make recommendations within their respective mandates on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, taking into account also the needs formulated by the Government of the Democratic Republic of the Congo;

3. *Encourages* the Democratic Republic of the Congo to continue ratifying human rights-related international and regional instruments, in particular the Convention on the Rights of Persons with Disabilities and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and notes with satisfaction the decision by the Government to establish a national agency to combat sexual violence against women and children as part of its policy to fight impunity;

4. *Also encourages* the Democratic Republic of the Congo to finalize the establishment process of a national commission for human rights, pursuant to the Paris Principles, welcomes the promulgation by the President of the Republic of the law concerning the protection of the child, and invites the Government to fulfil its objective to promote human rights education at school, in academia, the armed forces of the Democratic Republic of the Congo, the national police force and security services;

5. *Notes* the report of the seven thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo and urgent examination of the situation in the east of the country (A/HRC/10/59) presented by the Representative of the Secretary-General on the human rights of internally displaced persons, acting on behalf of the other six representatives and special rapporteurs, and invites them to report again on the development of the situation to the Council at its thirteenth session;

6. *Calls on* the international community to increase the various forms of assistance requested by the Democratic Republic of the Congo with a view to improving the human rights situation;

7. *Invites* the Government of the Democratic Republic of the Congo to inform and update the Council, at its future sessions, on the human rights situation on the ground, specifying the difficulties it experiences and its relevant needs;

8. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Democratic Republic of the Congo and the activities carried out in the country by the Office of the High Commissioner (A/HRC/10/58), and invites the Office to report again to the Council, at its thirteenth session, on the development of the situation and those activities;

9. *Calls on* the international community to support the establishment of a local cooperation mechanism by the Government of the Democratic Republic of the Congo, the High Commissioner and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo, referred to as the *entité de liaison des droits de l'homme*;

10. *Calls on* the Office of the High Commissioner to increase and enhance, through its presence in the Democratic Republic of the Congo, its technical assistance programmes and activities, in consultation with the authorities of the country;

11. *Decides* to continue monitoring the human rights situation in the Democratic Republic of the Congo at its thirteenth session.

45th meeting
27 March 2009

[Adopted by a recorded vote of 33 to 0, with 14 abstentions. See chapter X. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Abstaining: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

B. DECISIONS

10/101. Outcome of the universal periodic review: Botswana

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Botswana on 1 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Botswana which is constituted of the report of the Working Group on the review of Botswana (A/HRC/10/69), together with the views of Botswana concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/69/Add.1).

27th meeting
18 March 2009

[Adopted without a vote.]

10/102. Outcome of the universal periodic review: Bahamas

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Bahamas on 1 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Bahamas which is constituted of the report of the Working Group on the review of Bahamas (A/HRC/10/70 and A/HRC/10/70/Corr.1), together with the views of Bahamas concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/70/Add.1).

27th meeting
18 March 2009

[Adopted without a vote.]

10/103. Outcome of the universal periodic review: Burundi

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Burundi on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Burundi which is constituted of the report of the Working Group on the review of Burundi (A/HRC/10/71), together with the views of Burundi concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

27th meeting
18 March 2009

[Adopted without a vote.]

10/104. Outcome of the universal periodic review: Luxembourg

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Luxembourg on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Luxembourg which is constituted of the report of the Working Group on the review of Luxembourg (A/HRC/10/72), together with the views of Luxembourg concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/72/Add.1).

28th meeting
18 March 2009

[Adopted without a vote.]

10/105. Outcome of the universal periodic review: Barbados

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Barbados on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Barbados which is constituted of the report of the Working Group on the review of Barbados (A/HRC/10/73), together with the views of Barbados concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/73/Add.1).

28th meeting
18 March 2009

[Adopted without a vote.]

10/106. Outcome of the universal periodic review: Montenegro

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Montenegro on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Montenegro which is constituted of the report of the Working Group on the review of Montenegro (A/HRC/10/74), together with the views of Montenegro concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/74/Add.1).

28th meeting
18 March 2009

[Adopted without a vote.]

10/107. Outcome of the universal periodic review: United Arab Emirates

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the United Arab Emirates on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the United Arab Emirates which is constituted of the report of the Working Group on the review of the United Arab Emirates (A/HRC/10/75), together with the views of the United Arab Emirates concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

29th meeting
19 March 2009

[Adopted without a vote.]

10/108. Outcome of the universal periodic review: Liechtenstein

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Liechtenstein on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Liechtenstein which is constituted of the report of the Working Group on the review of Liechtenstein (A/HRC/10/77), together with the views of Liechtenstein concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/77/Add.1).

29th meeting
19 March 2009

[Adopted without a vote.]

10/109. Outcome of the universal periodic review: Serbia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Serbia on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Serbia which is constituted of the report of the Working Group on the review of Serbia (A/HRC/10/78), together with the views of Serbia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/78/Add.1)

30th meeting
19 March 2009

[Adopted without a vote.]

10/110. Outcome of the universal periodic review: Turkmenistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Turkmenistan on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Turkmenistan which is constituted of the report of the Working Group on the review of Turkmenistan (A/HRC/10/79), together with the views of Turkmenistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/79/Add.1).

30th meeting
19 March 2009

[Adopted without a vote.]

10/111. Outcome of the universal periodic review: Burkina Faso

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Burkina Faso on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Burkina Faso which is constituted of the report of the Working Group on the review of Burkina Faso (A/HRC/10/80 and A/HRC/10/80/Corr.1), together with the views of Burkina Faso concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

30th meeting
19 March 2009

[Adopted without a vote.]

10/112. Outcome of the universal periodic review: Israel

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Israel on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Israel which is constituted of the report of the Working Group on the review of Israel (A/HRC/10/76), together with the views of Israel concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

31st meeting
20 March 2009

[Adopted without a vote.]

10/113. Outcome of the universal periodic review: Cape Verde

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Cape Verde on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Cape Verde which is constituted of the report of the Working Group on the review of Cape Verde (A/HRC/10/81), together with the views of Cape Verde concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

31st meeting
20 March 2009

[Adopted without a vote.]

10/114. Outcome of the universal periodic review: Colombia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Colombia on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Colombia which is constituted of the report of the Working Group on the review of Colombia (A/HRC/10/82), together with the views of Colombia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/82/Add.1).

31st meeting
20 March 2009

[Adopted without a vote.]

10/115. Outcome of the universal periodic review: Uzbekistan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Uzbekistan on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Uzbekistan which is constituted of the report of the Working Group on the review of Uzbekistan (A/HRC/10/83), together with the views of Uzbekistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI and A/HRC/10/83/Add.1).

31st meeting
20 March 2009

[Adopted without a vote.]

10/116. Outcome of the universal periodic review: Tuvalu

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Tuvalu on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Tuvalu which is constituted of the report of the Working Group on the review of Tuvalu (A/HRC/10/84), together with the views of Tuvalu concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

32nd meeting
20 March 2009

[Adopted without a vote.]

10/117. Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights

At its 45th meeting, on 27 March 2009, the Human Rights Council decided, by a recorded vote of 29 to 3, with 15 abstentions, to adopt the following text:

"*The Human Rights Council*,

Bearing in mind that all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Subcommission on the Promotion and Protection of Human Rights, were assumed, as of 19 June 2006, by the Council, in accordance with General Assembly resolution 60/251,

Recalling the functions of the Human Rights Council Advisory Committee as described by the Council in its resolution 5/1 of 18 June 2007,

Decides that all reports of the Subcommission on the Promotion and Protection of Human Rights mandated by the Commission on Human Rights that have been completed and submitted to the Office of the United Nations High Commissioner for Human Rights pursuant to the resolutions and decisions of the Subcommission at its fifty-eighth session be issued as United Nations documents."

45th meeting
27 March 2009

[Adopted by a recorded vote of 29 to 3, with 15 abstentions. The voting was as follows:

In favour: Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Egypt, France, Gabon, Germany, Italy, Japan, Jordan, Mexico, Netherlands, Nicaragua, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay;

Against: Brazil, India, Mauritius;

Abstaining: Angola, Cameroon, China, Cuba, Djibouti, Ghana, Indonesia, Madagascar, Malaysia, Nigeria, Philippines, Russian Federation, Senegal, South Africa, Zambia.]

C. PRESIDENT'S STATEMENTS

PRST/10/1. Reports of the Advisory Committee

At the 45th meeting, on 27 March 2009, the President of the Council read out the following statement:

"*The Human Rights Council*,

1. *Takes note* of the report of the first session of the Advisory Committee (A/HRC/10/2-A/HRC/AC/2008/1/2) and notes that some suggestions therein have been incorporated in the report of the Advisory Committee on its second session or other decisions and resolutions of the Council, and other suggestions could be considered in future sessions;

2. *Also takes note* of the report of the second session of the Advisory Committee (A/HRC/AC/2/2), which includes five suggestions related to the following:

(a) A draft declaration on human rights education and training;

(b) A draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members;

(c) Gender mainstreaming;

(d) Expert consultation on the issue of protection of civilians in armed conflict;

(e) A study on the food crisis.

3. *Notes* that:

(a) The first and the fifth suggestions have been addressed by draft resolutions A/HRC/10/L.16 and A/HRC/10/L.25, respectively, while the second suggestion has been addressed in the context of Council resolution 8/13;

(b) The suggestion for the Advisory Committee with regard to the gender mainstreaming may be addressed in the context of the work of the Council at its future sessions;

(c) With respect to the suggestion concerning the participation of an expert of the Advisory Committee in the expert consultation on the issue of protection of civilians in armed conflict, convened in accordance with Council resolution 9/9, with the understanding that it would be implemented within the existing resources.

It is my understanding that, after consulting with Member States, this procedure does not set any precedent for the future reports of the Advisory Committee which will be dealt with in accordance with Council resolution 5/1."

III. Eleventh session

A. RESOLUTIONS

11/1. Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure

The Human Rights Council,

Recalling the Principles proclaimed in the Charter of the United Nations and that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also that, in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference reiterated the principle of "First Call for Children" and emphasized that the rights of the child should be a priority in the United Nations system-wide action on human rights,

Welcoming the almost universal ratification of the Convention on the Rights of the Child and the ratification by more than 120 States of each of the two Optional Protocols to the Convention,

Taking note of Council resolution 10/14 of 26 March 2009, in which the Council celebrated the twentieth anniversary of the Convention on the Rights of the Child, and called for effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms,

Noting with interest general comment No. 5 (2003) of the Committee on the Rights of the Child, in which the Committee emphasized that the special and dependent status of children creates real difficulties for them in pursuing remedies for breaches of their rights,

Noting that procedures allowing for individual communications have been established for other core international human rights treaties, namely, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities,

Noting also that children and their representatives lack a communications procedure under the Convention on the Rights of the Child by which communications concerning the effective implementation of the rights set out in the Convention can be considered by an appropriate committee of independent experts, *Recalling* the view of the Committee on the Rights of the Child, expressed by its Chairperson in her oral report to the General Assembly at its sixty-third session, that the development of a communications procedure for the Convention on the Rights of the Child would significantly contribute to the overall protection of children's rights,

1. *Decides* to establish an open-ended working group of the Human Rights Council to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention;

2. *Also decides* that the working group shall hold its first session for five working days in Geneva before the end of 2009, within existing resources;

3. *Further decides* to invite a representative of the Committee on the Rights of the Child to attend the session of the working group as a resource person and, where appropriate, relevant United Nations special procedures and other relevant independent experts, and also invites them to submit inputs to the working group for its consideration;

4. *Requests* the working group to submit a report on progress made to the Council for consideration at its thirteenth session.

27th meeting
17 June 2009

[Adopted without a vote.]

11/2. Accelerating efforts to eliminate all forms of violence against women

The Human Rights Council,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women and girls,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Cairo Programme of Action, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", and the Declaration adopted at the forty-ninth session of the Commission on the Status of Women,

Reaffirming further Council resolutions 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system, and 7/24 of 28 March 2008 on the elimination of violence against women, all resolutions of the Commission on Human Rights on the elimination of violence against women, General Assembly resolution 63/155 of 30 January 2009 on the intensification of efforts to eliminate all forms of violence against women and all other Assembly resolutions relevant to the elimination of all forms of violence against women, and Security Council resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women, peace and security,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, and the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Stressing the importance of a comprehensive, well-coordinated, effective and adequately resourced response by the United Nations system to all forms of violence against women and girls,

Stressing also the need for renewed political will and enhanced efforts to overcome obstacles and challenges faced by States in addressing, preventing, investigating, prosecuting and punishing the perpetrators of all forms of violence against women and girls,

Welcoming the holding of the Council's panel discussion on 5 June 2008 on the theme "Violence against women: identification of priorities",

Welcoming also the report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women (A/63/214),

1. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life;

2. *Strongly condemns* all acts of violence against women and girls, whether they be perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and the duty to provide access to just and effective remedies and specialized assistance to victims, including medical and psychological assistance, as well as effective counselling;

3. *Stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent,

investigate, prosecute and punish the perpetrators of violence against women and girls and provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

4. *Calls upon* States to enact and, where necessary, reinforce or amend domestic legislation, including measures to enhance the protection of victims, to investigate, prosecute, punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that such legislation conforms with relevant international human rights instruments and international humanitarian law, to abolish existing laws, regulations, customs and practices which constitute discrimination against women, to remove gender bias in the administration of justice, and to take action to investigate and punish persons who perpetrate acts of violence against women and girls;

5. *Also calls upon* States to support initiatives undertaken by women's and non-governmental organizations on the elimination of violence against women and girls and to establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women and girls, including in the area of support services, assistance redress and empowerment of victims;

6. *Urges* States and the United Nations system to give attention to, and encourages greater international cooperation in, systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and girls and on the impact and effectiveness of policies and programmes for combating this violence, and, in this context, welcomes the establishment of the Secretary-General's coordinated database on violence against women, and urges States and the United Nations system to regularly provide information for inclusion in the database;

7. *Encourages* States to supply information on all forms of violence against women and girls in their reports submitted to the Committee on the Elimination of Discrimination against Women and other relevant treaty bodies;

8. *Also encourages* States to implement Security Council resolutions 1325 (2000) and 1820 (2008) to contribute to their efforts to eliminate all forms of violence against women and girls;

9. *Notes with appreciation* the work of the Special Rapporteur on violence against women, its causes and consequences, including her latest report on the political economy of women's human rights (A/HRC/11/6);

10. *Encourages* the Special Rapporteur to consider in future reporting the needs of women who experience multiple forms of discrimination, and to examine effective measures to respond to those situations;

11. *Stresses* the importance of accelerating efforts to eliminate all forms of violence against women and girls, its causes and consequences throughout its work, and in this regard:

(*a*) Encourages States to ensure that eliminating violence against women and girls is given due attention in the work of the Council, including relevant Council processes and debates, including the universal periodic review;

(*b*) Requests the special procedures of the Council to ensure that due consideration is given to violence against women and girls within their respective mandates;

(*c*) Encourages all relevant stakeholders to give due attention to all forms of violence against women and girls in their work with the Council and its mechanisms;

(*d*) Requests the Office of the United Nations High Commissioner for Human Rights to convene, in 2010 within existing resources, in cooperation with other relevant entities of the United Nations system, an expert workshop, open to the participation of Governments, regional organizations, relevant United Nations bodies, civil society organizations and experts from different legal systems, to discuss specific measures for overcoming obstacles and challenges that States may face in preventing, investigating, prosecuting and punishing the perpetrators of violence against women and girls, as well as measures for providing protection, support, assistance and redress for victims, and requests the Office to prepare a summary report thereon to be submitted to the Council;

(*e*) Invites the Office of the High Commissioner to include violence against women and girls in its reporting on integrating the human rights of women throughout the United Nations system;

12. *Requests* United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to continue to give consideration to violence against women and girls within their respective mandates;

13. *Calls upon* relevant United Nations entities within their respective mandates to support, upon request, the follow-up by States to relevant recommendations of the special procedures, concluding observations of treaty bodies and outcomes of the universal periodic review to prevent violence against women and girls, protect victims of such violence and prosecute the perpetrators;

14. *Stresses* that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women, and violence against women in particular, and pledges to intensify action to ensure their full and accelerated implementation;

15. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

27th meeting
17 June 2009

[Adopted without a vote.]

11/3. Trafficking in persons, especially women and children

The Human Rights Council,

Reaffirming all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 and 63/194 of 18 December 2008, and also its resolution 8/12 of 18 June 2008, in which the Council extended the mandate of the Special Rapporteur on trafficking in persons, especially women and children,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Recalling the United Nations Convention against Transnational Organized Crime and the protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination may themselves fuel trafficking in persons,

Recognizing also that trafficking in persons violates human rights and impairs the enjoyment of them, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for it to be eradicated,

Bearing in mind that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate and punish perpetrators, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

Recognizing the need to address the impact of globalization on the particular problem of trafficking in women and children,

Recognizing also the challenges to combating trafficking in persons, especially women and children, owing to the lack of adequate legislation and implementation of existing legislation, the lack of availability of reliable sex- and age-disaggregated data and statistics and the lack of resources, *Noting* that some of the demand for prostitution and forced labour is met by trafficking in persons in some parts of the world,

Recognizing that policies and programmes for prevention, rehabilitation, return and reintegration should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights and with the involvement of all actors in countries of origin, transit and destination,

Taking note with appreciation of the report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16), presented to the Council at its tenth session,

Taking note with appreciation also of the report of the Office of the United Nations High Commissioner for Human Rights on the latest developments within the United Nations relating to combating trafficking in persons and on the relevant activities of the Office (A/HRC/10/64), and taking note of the Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in that report, presented to the Council at its tenth session,

Taking note of the meeting of the Open-ended Interim Working Group on Trafficking in Persons of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, held in Vienna on 14 and 15 April 2009, and the recommendations resulting therefrom, and the interactive dialogue on the theme "Taking collective action to end human trafficking" of the General Assembly, held on 13 May 2009, which included a discussion on the advisability of a global plan of action against human trafficking,

Welcoming especially the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

Recognizing the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture at the persistence of trafficking and the vulnerability of victims to human rights violations,

1. *Affirms* that it is essential to place the protection of human rights at the centre of measures taken to prevent and end trafficking in persons, and to protect, assist and provide access to adequate redress to victims, including the possibility of obtaining compensation from the perpetrators;

2. *Reiterates its concern* at:

(*a*) The high number of people, especially women and children, in particular from developing countries and countries with economies in transition, who are being trafficked to developed countries, as well as within and between regions and States;

(*b*) The increasing activities of transnational and national organized crime and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(*c*) The use of new information technologies, including the Internet, for the purposes of exploitation of the prostitution of others and other forms of sexual exploitation, for trafficking in women as brides and for sex tourism, child pornography, paedophilia and any other forms of sexual exploitation of children;

(*d*) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

3. *Urges* Governments:

(*a*) To take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialized sex, forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including by strengthening existing legislation or by considering the enactment of anti-trafficking legislation and the adoption of national plans of action;

(*b*) To criminalize trafficking in persons in all its forms and to condemn and penalize traffickers, facilitators and intermediaries, including, where applicable, by imposing sanctions against legal entities involved in the process of trafficking, without making accusations by or the participation of the victims of trafficking a precondition to the prosecution of trafficking;

(*c*) To ensure protection and assistance to the victims of trafficking with full respect for their human rights, including, where appropriate, through legislation;

(*d*) To provide resources, as appropriate, for the comprehensive protection and assistance to victims of trafficking, including access to adequate social, necessary medical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance in a language that they can understand and helplines, and to cooperate in this regard, as appropriate, with intergovernmental and non-governmental organizations;

(*e*) To take all appropriate measures to ensure that victims of trafficking are not penalized for being trafficked and that they do not suffer from revictimization as a result of actions taken by Government authorities, bearing in mind that they are victims of exploitation, and encourages Governments to provide trafficked persons with access to specialized support and assistance, regardless of their immigration status;

(*f*) To devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking, especially in women and children, including for sexual and labour exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national plans of action in this regard;

(*g*) To adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons and leads to trafficking in persons, including the demand created by sex tourism, especially in children, and forced labour, and to enhance, in this regard, preventive measures, including legislative measures, to deter exploiters of trafficked persons and to ensure their accountability;

(*h*) To establish mechanisms, where appropriate, in cooperation with the international community, to combat the use of the Internet to facilitate trafficking in persons and crimes related to sexual or other forms of exploitation, and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet;

(*i*) To provide or strengthen training for law enforcement, immigration, criminal justice and other relevant officials, including personnel participating in peacekeeping operations, in preventing and responding effectively to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

(*j*) To conduct information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and at encouraging the public, including the victims of trafficking themselves, to report on instances of trafficking;

(*k*) To support allocation of the necessary resources, as appropriate, in cooperation with intergovernmental and non-governmental organizations, to strengthen preventive action, in particular education for women and men, as well as for girls and boys, on the human rights of women and children, gender equality, self-respect and mutual respect;

(*l*) To consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in trafficking;

(*m*) To enhance information-sharing and data-collection capacities as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data;

(*n*) To enhance cooperation with each other and with relevant intergovernmental and non-governmental organizations to ensure effective prevention and countering of trafficking in people, and to consider strengthening existing regional cooperation and mechanisms aimed at combating trafficking in persons or to establish such mechanisms where they do not exist;

(*o*) To consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention, and to take immediate steps to incorporate provisions of the Protocol into domestic legal systems;

4. *Calls upon* all Governments to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to requests to visit their countries, and to provide all necessary information related to the mandate

to enable the mandate holder to fulfil the duties of the mandate effectively and, in this regard, expresses its appreciation to the large number of Governments that provided responses to the initial questionnaire on trafficking developed by the Special Rapporteur;

5. *Invites* Governments to include information on measures and best practices to combat trafficking in persons, especially women and children, in their national reports submitted for the universal periodic review;

6. *Encourages* Governments to take into account, as a useful tool to integrate a human rights-based approach, the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) developed by the Office of the United Nations High Commissioner for Human Rights, including, as appropriate, in the formulation, review and implementation of legislation, policies and programmes aimed at preventing and eradicating trafficking in persons, especially women and children, and providing assistance to victims;

7. *Encourages* the Office of the High Commissioner to provide or to support, within existing resources, training at the national level for all stakeholders on the integration of a human rights approach into the prevention and response to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

8. *Requests* the Office of the High Commissioner to enhance its efforts within the Inter-Agency Coordination Group against Trafficking to promote and integrate a human rights-based approach into efforts to combat human trafficking;

9. *Also requests* the Office of the High Commissioner to organize, within existing resources, and in close coordination with the Special Rapporteur, a two-day seminar aimed at identifying opportunities and challenges in the development of rights-based responses to trafficking in persons with a view to acknowledging emerging good practices and further promoting the practical application of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, with the participation of Governments, the Special Rapporteur and other relevant special procedures, treaty bodies, United Nations specialized agencies and programmes, regional, intergovernmental and non-governmental organizations, national human rights institutions, academics, medical experts and representatives of victims, and to submit a report on the proceedings of the seminar to the Council;

10. *Further requests* the Office of the High Commissioner to disseminate the Recommended Principles and Guidelines on Human Rights and Human Trafficking, and to collect the views of stakeholders, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, regional bodies, non-governmental organizations and national human rights institutions, on the Recommended Principles and Guidelines, as well as on experiences and emerging good practices while applying them, and to make available to the Council a compilation of these views as an addendum to the above-mentioned report;

11. *Requests* the Secretary-General to provide the Office of the High Commissioner with sufficient resources to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

12. *Decides* to continue consideration of this matter under the same agenda item according to its annual programme of work.

27th meeting
17 June 2009

[Adopted without a vote.]

11/4. Promotion of the right of peoples to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Taking note of General Assembly resolution 39/11 of 12 November 1984, entitled "Declaration of the Right of Peoples to Peace", and the United Nations Millennium Declaration,

Determined to foster strict respect for the Purposes and Principles enshrined in the Charter of the United Nations,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and to promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the Organization and the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, and the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace, security, human rights and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to creating conditions in which their people can live in true and lasting peace, free from any threat to or attack against their security,

Reaffirming the obligation of all States to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also its commitment to peace, security and justice, respect for human rights and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in the pursuit of political aims, and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world, *Reaffirming* the importance of ensuring respect for the Purposes and Principles of the Charter and international law, including sovereignty, territorial integrity and political independence of States,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter,

Recognizing that peace and security, development and human rights are mutually interlinked and reinforcing,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realization of these rights,

Underlining that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of the equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to the creation of an international environment of peace and stability,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;

2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

3. *Stresses* the importance of peace for the promotion and protection of all human rights for all;

4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed world and the developing world pose a major threat to global prosperity, peace, human rights, security and stability;

5. *Further stresses* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being;

6. *Emphasizes* that ensuring the exercise of the right of peoples to peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

7. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the Principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

8. *Urges* all States to respect and to put into practice the Principles and Purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems or of their size, geographical location or level of economic development;

9. *Reaffirms* the duty of all States, in accordance with the Principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as an important contribution to the promotion and protection of all human rights of everyone and all peoples;

10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, United Nations specialized agencies and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Reiterates its request* to the United Nations High Commissioner for Human Rights to convene, before February 2010, and taking into account previous practices, a workshop on the right of peoples to peace, with the participation of experts from all regions of the world, in order to:

(*a*) Clarify further the content and scope of this right;

(*b*) Propose measures that raise awareness of the importance of realizing this right;

(*c*) Suggest concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace;

12. *Requests* the High Commissioner to report on the outcome of the workshop to the Council at its fourteenth session;

13. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

14. *Decides* to continue considering the issue at its fourteenth session under the same agenda item.

27th meeting
17 June 2009

[Adopted by a recorded vote of 32 to 13, with 1 abstention. The voting was as follows:

In favour:	Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;
Against:	Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;
Abstaining:	India.]

11/5. The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

Reaffirming all resolutions and decisions adopted by the Commission on Human Rights on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including Commission resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, as well as Council resolution 7/4 of 27 March 2008,

Reaffirming also its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Stressing that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Emphasizing that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of economic, social and cultural rights of their people, *Stressing* the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries, through various national and international measures designed to make their debt sustainable in the long term,

Noting with concern that the total external debt of low- and middle-income countries had risen to 2,983 billion United States dollars by 2006, from 1,951 billion dollars in 1995, and that, by 2007, the total debt service payments of developing countries had risen to 523 billion dollars, from 220 billion in 1995,

Acknowledging that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Affirming that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Welcomes* the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/HRC/11/10);

2. *Takes note with appreciation* of the proposed elements for a conceptual framework for understanding the relationship between foreign debt and human rights, and encourages the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights to continue to develop them with a view to addressing the debt crisis in a just, equitable and sustainable manner;

3. *Welcomes* the areas of focus identified by the independent expert for the period 2009-2010, in particular the development of the draft general guidelines on foreign debt and human rights and the issue of illegitimate debt, and, in that regard, calls on the Office of the United Nations High Commissioner for Human Rights to assist the independent expert in the organization and holding of regional consultations on these issues, including through the allocation of sufficient budgetary resources;

4. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people, and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

5. *Recognizes* that structural-adjustment reform programmes limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

6. *Affirms* that the current global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

7. *Expresses* its concern that the level of implementation and the reduction of overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden;

8. *Reiterates* its conviction that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned Initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

9. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of middle- and low-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in them, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

10. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals for development and poverty reduction will not be attained;

11. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

12. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

13. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of the major

United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

14. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

15. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

16. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

17. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

18. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

19. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or Poverty Reduction Strategy Papers;

20. *Reaffirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

21. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

22. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

23. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

24. *Requests* the independent expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

25. *Also requests* the independent expert to continue to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines and his proposal of possible elements for consideration, and urges them to respond to his requests;

26. *Encourages* the independent expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work towards the elaboration of the draft general guidelines;

27. *Requests* the independent expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

28. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

29. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

30. *Requests* the independent expert to submit an analytical report on the implementation of the present resolution to the Council in 2009 in accordance with its annual programme of work, and to submit a progress report thereon to the General Assembly at its sixty-fourth session;

31. *Decides* to continue the consideration of this matter at its fourteenth session under the same agenda item.

27th meeting
17 June 2009

[Adopted by a recorded vote of 31 to 13, with 2 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Chile, Mexico.]

11/6. The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming its resolution 8/4 of 18 June 2008, and recalling the resolutions adopted by the Commission on Human Rights on the right to education,

Reaffirming also that everyone should enjoy the human right to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

Mindful of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights at the national, regional and international levels,

Deeply concerned that, on current trends, some key goals of the Education for All initiative agreed upon at the World Education Forum, held in Dakar in April 2000, will not be achieved by 2015, including the goal of universal primary education, despite progress made in recent years towards achieving such goals,

1. *Calls upon* all States to take all measures to implement Council resolution 8/4 with a view to ensuring the full realization of the right to education for all;

2. *Welcomes* the work of the Special Rapporteur on the right to education, in particular his report on the right to education of persons in detention in the criminal justice system (A/HRC/11/8);

3. *Also welcomes* the work of the United Nations treaty bodies in the promotion of the right to education, and notes with interest the holding, by the Committee on the Rights of the Child, of a general discussion day on the theme "The right of the child to education in emergency situations";

4. *Further welcomes* the contribution of the United Nations Children's Fund and that of the United Nations Educational, Scientific and Cultural Organization towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All initiative, agreed upon at the World Education Forum;

5. *Welcomes* the convening by the United Nations Educational, Scientific and Cultural Organization of four major conferences on education in 2008 and 2009, including the 48th International Conference on Education, held from 25 to 28 November 2008, in Geneva, the World Conference on Education for Sustainable Development, held from 31 March to 2 April 2009, in Bonn, the Sixth International Conference on Adult Education, held in 2009 in Belém, Brazil, and the World Conference on Higher Education, held from 5 to 8 July 2009, in Paris;

6. *Notes with interest* the activities of the joint expert group of the Committee on Economic, Social and Cultural Rights and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization on the monitoring of the right to education;

7. *Welcomes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

8. *Urges* all relevant stakeholders to increase their efforts so that the goals of the Education for All initiative can be achieved by 2015, including by tackling persistent inequalities based on income, gender, location, ethnicity, language, disability and other factors, and notes the role that good governance can play in this regard;

9. *Stresses* the need for cultural and educational programmes to be developed with a view to raise awareness on human rights, and urges States to intensify their efforts in this regard;

10. *Urges* all States to ensure the right to education, an imperative in its own right, of persons in detention in the criminal justice system, and to provide appropriate education to foster reintegration into society and help reduce recidivism, including by making every effort:

(*a*) To ensure equal access to education for all female and male detainees;

(*b*) To develop a coherent policy for education in detention;

(*c*) To remove barriers to education in detention, including its possible negative impact on opportunities for remuneration in prison;

(*d*) To make available to all detainees comprehensive education programmes aimed at the development of the full potential of each detainee;

(*e*) To incorporate human rights education in the programmes;

(*f*) To develop individual education plans with the full participation of the detainee, taking into account the diverse backgrounds and needs of persons in detention, including women, persons belonging to minority and indigenous groups, persons of foreign origin and persons with physical, learning and psychosocial disabilities, while recalling that a detainee may belong to more than one of these groups;

(*g*) To integrate education programmes into the public school system in order to allow for the continuation of education upon release;

(*h*) To ensure appropriate professional training and working conditions and a safe working environment for teachers in places of detention;

(*i*) To evaluate and monitor all education programmes in places of detention, and to undertake multidisciplinary and detailed research in this regard;

(*j*) To share best practices concerning education programmes in detention;

(*k*) To produce and deliver adequate pedagogical materials for persons in detention, including appropriate opportunities to receive education and training in the use of new information technologies;

(*l*) To ensure that primary education is compulsory, accessible and available free to all, including to all children in detention or living in prisons;

(*m*) To ensure curricula and educational practices that are gender-sensitive but not gender-stereotypical in places of detention, in order to fulfil the right to education of women and girls;

11. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of the right to education worldwide and to enhance their cooperation in this regard;

12. *Notes with appreciation* the Special Rapporteur's intention to focus his 2010 annual report on the right to education of migrants, refugees and asylum-seekers;

13. *Decides* to remain seized of the matter.

27th meeting
17 June 2009

[Adopted without a vote.]

11/7. Guidelines for the Alternative Care of Children

[See chapter I.]

11/8. Preventable maternal mortality and morbidity and human rights

Reaffirming the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and their Review Conferences and the targets and commitments regarding the reduction of maternal mortality and universal access to reproductive health, including those contained in the 2000 Millennium Declaration (General Assembly resolution 55/2) and the 2005 World Summit Outcome (General Assembly resolution 60/1),

Reaffirming also the Millennium Development Goals, in particular the Goals on improving maternal health, promoting gender equality and empowering women, reducing child and infant mortality and the development of a global partnership,[4]

Recalling the obligations of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Protection of the Rights of All Migrant Workers and Their Families,

Convinced that increased political will and commitment, cooperation and technical assistance at the international and national levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity,

Recognizing the leading role of the World Health Organization in maternal health and the work under the annual World Health Assembly agenda item on the monitoring of the achievement of the health-related Millennium Development Goals,

Recognizing also that the unacceptably high global rate of preventable maternal mortality and morbidity is a health, development and human rights challenge, and that a human rights analysis of preventable maternal mortality and morbidity and the integration of a human rights perspective in international and national responses to maternal mortality and morbidity could contribute positively to the common goal of reducing this rate, with a view to eliminating preventable maternal mortality and morbidity,

Welcoming the ongoing efforts of the United Nations human rights treaty bodies to highlight the human rights aspects of preventable maternal mortality and morbidity, including those of the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, and of the special procedures, in particular those described in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/61/338),

---

[4] Millennium Development Goals 5, 3, 4 and 8, respectively.

Recognizing that the Council has a constructive role to play in raising awareness of the human rights aspects of the unacceptably high global rate of maternal mortality and morbidity and in supporting, promoting and enhancing existing national and international efforts to reduce this rate,

Welcoming its initiative to hold an interactive dialogue at its eighth regular session on maternal mortality and the human rights of women, on 5 June 2008,

Recognizing that preventable maternal mortality and morbidity affects women and their families in all regions and cultures, and that it is exacerbated by factors such as poverty, gender inequality, age and multiple forms of discrimination, as well as factors such as lack of access to adequate health facilities and technology, and lack of infrastructure,

1. *Expresses grave concern* at the unacceptably high global rate of preventable maternal mortality and morbidity, noting in this regard that the World Health Organization has assessed that over 1,500 women and girls die every day as a result of preventable complications occurring before, during and after pregnancy and childbirth, and that, globally, maternal mortality is the leading cause of death among women and of girls of reproductive age;

2. *Recognizes* that most instances of maternal mortality and morbidity are preventable, and that preventable maternal mortality and morbidity is a health, development and human rights challenge that also requires the effective promotion and protection of the human rights of women and girls, in particular their rights to life, to be equal in dignity, to education, to be free to seek, receive and impart information, to enjoy the benefits of scientific progress, to freedom from discrimination, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

3. *Requests* all States to renew their political commitment to eliminating preventable maternal mortality and morbidity at the local, national, regional and international levels, and to redouble their efforts to ensure the full and effective implementation of their human rights obligations, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and their review conferences, and the Millennium Declaration and the Millennium Development Goals, in particular the Goals on improving maternal health and promoting gender equality and empowering women,[5] including through the allocation of necessary domestic resources to health systems;

4. *Also requests* States to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and cooperation arrangements, including by honouring existing commitments and considering new commitments, and the exchange of effective practices and technical assistance to strengthen national capacities, as well as to integrate a human rights perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

---

[5] Millennium Development Goals 5 and 3.

5. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to give increased attention and resources to preventable maternal mortality and morbidity in their engagement with the United Nations human rights system, including with the human rights treaty bodies, the universal periodic review and special procedures;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a thematic study on preventable maternal mortality and morbidity and human rights, in consultation with States, the World Health Organization, the United Nations Population Fund, the United Nations Children's Fund, the World Bank and all other relevant stakeholders, and requests that the study include identification of the human rights dimensions of preventable maternal mortality and morbidity in the existing international legal framework; an overview of initiatives and activities within the United Nations system to address all causes of preventable maternal mortality and morbidity; identification of how the Council can add value to existing initiatives through a human rights analysis, including efforts to achieve the Millennium Development Goal on improving maternal health,[6] and recommended options for better addressing the human rights dimension of preventable maternal mortality and morbidity throughout the United Nations system;

7. *Decides* to address the thematic study requested in paragraph 6 above within the programme of work of its fourteenth session, and to consider taking further possible action on preventable maternal mortality and morbidity and human rights at that session, and invites the Office of the High Commissioner, the World Health Organization, the United Nations Population Fund and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to participate in an interactive dialogue on the study in the Council.

27th meeting
17 June 2009

[Adopted without a vote.]

11/9. The human rights of migrants in detention centres

The Human Rights Council,

Recalling previous resolutions of the General Assembly, the Commission on Human Rights and the Council on the protection of the human rights of migrants and the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants, particularly those held in detention centres,

Aware of the report of the Special Rapporteur on the human rights of migrants (A/HRC/11/7), which focuses on the protection of children in the context of migration,

Aware also of the report of the Working Group on Arbitrary Detention (A/HRC/7/4),

---

[6] Millennium Development Goal 5.

Emphasizing the importance of addressing the situation of migrants in detention centres and in administrative detention, which creates conditions for the potential violation of their human rights, through a comprehensive, integrated, concerted and balanced approach,

1. *Decides* to hold a panel discussion on the matter at its twelfth session, with equitable geographic and gender participation of Governments, relevant experts and representatives of civil society, including national institutions;

2. *Invites* the members of the above-mentioned panel:

(*a*) To discuss the current trends, good practices, challenges and possible approaches to address the issue of the detention of migrants and to explore ways to promote and protect their human rights;

(*b*) To elaborate on how to reduce the recourse to and duration of detention of persons who enter or remain in a country in an irregular manner, as well as on how to provide them with appropriate access to due legal process;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the necessary assistance and support for holding the panel.

29th meeting
18 June 2009

[Adopted without a vote.]

11/10. Situation of human rights in the Sudan

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Reaffirming Commission on Human Rights resolution 2005/82 of 21 April 2005, and Council resolutions 6/34 and 6/35 of 14 December 2007, 7/16 of 27 March 2008 and 9/17 of 24 September 2008, and calling on the Government of the Sudan to continue and intensify its efforts to implement them, *Recalling* that, in its resolution 5/1, the Council stipulated that the review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, thereupon leading to constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Stressing that resolution 5/1 also provides that every effort should be made to avoid unnecessary duplication,

Recalling that the founding principles of the Council are objectivity, non-selectivity and the elimination of double standards and politicization,

1. *Takes note* of the reports of the Special Rapporteur on the situation of human rights in the Sudan (A/HRC/11/14) and on the status of implementation of the recommendations compiled by the Group of Experts on Darfur (A/HRC/11/14/Add.1);

2. *Acknowledges* the progress made in the implementation of the Comprehensive Peace Agreement and the steps taken by the Government of National Unity to strengthen the human rights legal and institutional framework, principally in law reform, and urges the Government to intensify those efforts;

3. *Also acknowledges* the decision of the Government of National Unity to hold general elections in February 2010, in accordance with the provisions of the Comprehensive Peace Agreement, and expresses its hope that the elections will lead to the democratic and peaceful devolution of power;

4. *Calls on* the Government of National Unity to continue and intensify its efforts for the promotion and protection of human rights by taking all possible concrete steps to improve the human rights situation;

5. *Stresses* the primary responsibility of the Government of National Unity to protect all its citizens;

6. *Welcomes* the initial measures taken by the Government of National Unity to implement the recommendations of the Group of Experts and to address human rights concerns, including the deployment of police personnel in Darfur and the sentencing of several perpetrators of serious violations of human rights, but notes that a number of the recommendations have not yet been implemented;

7. *Reiterates* its call upon the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement, and calls upon non-signatory parties to join in and to commit themselves to the peace process in compliance with relevant United Nations resolutions;

8. *Recalls* that the Darfur Peace Agreement stipulates the principles of enhancing accountability and preventing impunity;

9. *Commends* the completion of the nationwide population census as a prerequisite condition for holding national general elections;

10. *Welcomes* the submission by the Government of National Unity on the Abyei dispute to the Permanent Court of Arbitration;

11. *Notes with appreciation* that the Government of National Unity has approved the deployment of more than seventy-five human rights monitors all over the country;

12. *Welcomes* the invitation of the Government of National Unity to the United Nations High Commissioner for Human Rights to visit the country;

13. *Takes note* of the press statement on the consultative meeting between the Government of National Unity, the African Union, the League of Arab States and the Organization of the Islamic Conference, in which they took note of, inter alia, the reports of the African Union-United Nations Hybrid Operation in Darfur;

14. *Also takes note* of the communications, requests, statements and reports issued by the High Commissioner for Human Rights, the Office of the High Commissioner and thematic mandate holders concerning human rights in the Sudan;

15. *Notes* that the terms of reference of the Human Rights Forum include:

(*a*) To inform the Government of National Unity in a systematic and timely manner on human rights violations in Darfur identified by the Human Rights Component of the African Union-United Nations Hybrid Operation in Darfur;

(*b*) To seek the best possible means to end human rights violations in Darfur and to identify ways and means to improve the human rights situation in Darfur;

(*c*) To provide a forum to discuss projects, activities or initiatives undertaken by the African Union-United Nations Hybrid Operation in Darfur, the Government of National Unity and other actors which support the Government in addressing human rights concerns;

(*d*) To provide an open and constructive forum for the discussion of the Government's implementation of the recommendations of the Group of Experts on Darfur;

(*e*) To obtain support for initiatives aimed at addressing human rights concerns;

16. *Invites* the Office of the High Commissioner to engage itself through the appropriate components of the Forum in following and verifying the human rights situation in Darfur in order to inform the Council on the situation of human rights in the Sudan, as appropriate;

17. *Requests* the Office of the High Commissioner to identify specific priority areas for technical assistance and to evaluate where the Government of National Unity needs technical and financial assistance;

18. *Recognizes* the work of the African Union and existing mechanisms, and calls for greater coordination and elimination of duplication;

19. *Decides* to create the mandate of independent expert on the situation of human rights in the Sudan for a period of one year, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16 and 9/17, requests the independent expert to

engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur and to submit a report to the Council for consideration at its fourteenth session, and requests the Secretary-General to provide the independent expert with all necessary assistance to discharge the mandate fully.

20. *Expresses* its conviction that various human rights mechanisms, by securing the cooperating and fostering dialogue with the Government of National Unity, can effectively and sustainably realize the objective of promotion and protection of human rights in the country, and notes in this context the value of the mechanisms of the universal periodic review.

29th meeting
18 June 2009

[Adopted by a recorded vote of 20 to 18, with 9 abstentions. The voting was as follows:

In favour: Argentina, Bosnia and Herzegovina, Brazil, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

Against: Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa;

Abstaining: Angola, Bolivia (Plurinational State of), Burkina Faso, Gabon, Ghana, India, Madagascar, Nicaragua, Senegal.]

11/11. System of special procedures

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and all other relevant international human rights instruments,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007 and the annexes thereto on the institution-building of the Council, General Assembly resolution 62/219 of 22 December 2007 and President's statement 8/2 of 18 June 2008,

Expressing its appreciation for the valuable contribution of all special procedures to the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, and the need for all mandate holders to act in an objective, independent, non-selective, impartial and non-politicized manner, and recalling the need for all States to cooperate with and assist the special procedures in the performance of their tasks, to provide all information in a timely manner and to respond without undue delay to communications transmitted to them by the special procedures,

1. *Reaffirms* that the code of conduct for special procedures mandate holders is aimed at strengthening the capacity of mandate holders to exercise their functions while enhancing their moral authority and credibility, and that it requires supportive action by all stakeholders, and in particular by States;

2. *Recalls* that it is incumbent on special procedures mandate holders to exercise their functions with full respect for and strict observance of their mandates, as outlined in the relevant Council resolutions providing such mandates, and to comply fully with the provisions of the code of conduct;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights, in accordance with Council resolution 5/2, to assist the special procedures further with a view to contributing to their awareness of and full compliance with the code of conduct;

4. *Decides* to remain seized of this matter.

29th meeting
18 June 2009

[Adopted without a vote.]

11/12. Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action

The Human Rights Council,

Recalling Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Recalling also Council resolution 1/5 of 30 June 2006,

Stressing that the Durban Declaration and Programme of Action, adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, provides a solid basis for combating racism, racial discrimination, xenophobia and related intolerance,

Acknowledging with appreciation the outcome document of the Durban Review Conference, held in the framework of the General Assembly from 20 to 24 April 2009, including paragraph 124 thereof,

1. *Decides* to extend the mandate of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action for a period of three years;

2. *Also decides* to remain seized of this matter under the relevant agenda item.

29th meeting
18 June 2009

[Adopted without a vote.]

B. DECISIONS

11/101. Outcome of the universal periodic review: Germany

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Germany on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Germany which is constituted of the report of the Working Group on the review of Germany (A/HRC/11/15), together with the views of Germany concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/15/Add.1).

14th meeting
9 June 2009

[Adopted without a vote.]

11/102. Outcome of the universal periodic review: Djibouti

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Djibouti on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Djibouti which is constituted of the report of the Working Group on the review of Djibouti (A/HRC/11/16), together with the views of Djibouti concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

14th meeting
9 June 2009

[Adopted without a vote.]

11/103. Outcome of the universal periodic review: Canada

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Canada on 3 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Canada which is constituted of the report of the Working Group on the review of Canada (A/HRC/11/17), together with the views of Canada concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/17/Add.1).

14th meeting
9 June 2009

[Adopted without a vote.]

11/104. Outcome of the universal periodic review: Bangladesh

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Bangladesh on 3 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Bangladesh which is constituted of the report of the Working Group on the review of Bangladesh (A/HRC/11/18), together with the views of Bangladesh concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/18/Add.1).

15th meeting
10 June 2009

[Adopted without a vote.]

11/105. Outcome of the universal periodic review: Russian Federation

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of the Russian Federation on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on the Russian Federation which is constituted of the report of the Working Group on the review of the Russian Federation (A/HRC/11/19), together with the views of the Russian Federation concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/19/Add.1/Rev.1).

15th meeting
10 June 2009

[Adopted without a vote.]

11/106. Outcome of the universal periodic review: Cameroon

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Cameroon on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Cameroon which is constituted of the report of the Working Group on the review of Cameroon (A/HRC/11/21), together with the views of Cameroon concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/21/Add.1).

16th meeting
10 June 2009

[Adopted without a vote.]

11/107. Outcome of the universal periodic review: Cuba

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Cuba on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Cuba which is constituted of the report of the Working Group on the review of Cuba (A/HRC/11/22), together with the views of Cuba concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and the additional written information submitted by Cuba).

16th meeting
10 June 2009

[Adopted without a vote.]

11/108. Outcome of the universal periodic review: Saudi Arabia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Saudi Arabia on 6 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Saudi Arabia which is constituted of the report of the Working Group on the review of Saudi Arabia (A/HRC/11/23), together with the views of Saudi Arabia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/23/Add.1).

16th meeting
10 June 2009

[Adopted without a vote.]

11/109. Outcome of the universal periodic review: Senegal

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Senegal on 6 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Senegal which is constituted of the report of the Working Group on the review of Senegal (A/HRC/11/24), together with the views of Senegal concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/24/Add.1).

17th meeting
11 June 2009

[Adopted without a vote.]

11/110. Outcome of the universal periodic review: China

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of China on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on China which is constituted of the report of the Working Group on the review of China (A/HRC/11/25), together with the views of China concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

17th meeting
11 June 2009

[Adopted without a vote.]

11/111. Outcome of the universal periodic review: Azerbaijan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Azerbaijan on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Azerbaijan which is constituted of the report of the Working Group on the review of Azerbaijan (A/HRC/11/20), together with the views of Azerbaijan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/20/Add.1).

18th meeting
11 June 2009

[Adopted without a vote.]

11/112. Outcome of the universal periodic review: Nigeria

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Nigeria on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Nigeria which is constituted of the report of the Working Group on the review of Nigeria (A/HRC/11/26), together with the views of Nigeria concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

18th meeting
11 June 2009

[Adopted without a vote.]

11/113. Outcome of the universal periodic review: Mexico

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Mexico on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Mexico which is constituted of the report of the Working Group on the review of Mexico (A/HRC/11/27), together with the views of Mexico concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and the additional written information submitted by Mexico).

18th meeting
11 June 2009

[Adopted without a vote.]

11/114. Outcome of the universal periodic review: Mauritius

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Mauritius on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Mauritius which is constituted of the report of the Working Group on the review of Mauritius (A/HRC/11/28), together with the views of Mauritius concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/28/Add.1).

18th meeting
11 June 2009

[Adopted without a vote.]

11/15. Outcome of the universal periodic review: Jordan

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Jordan on 11 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Jordan which is constituted of the report of the Working Group on the review of Jordan (A/HRC/11/29), together with the views of Jordan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI).

19th meeting
12 June 2009

[Adopted without a vote.]

11/116. Outcome of the universal periodic review: Malaysia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008,

Having conducted the review of Malaysia on 11 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

Adopts the outcome of the universal periodic review on Malaysia which is constituted of the report of the Working Group on the review of Malaysia (A/HRC/11/30), together with the views of Malaysia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/11/37, chap. VI and A/HRC/11/30/Add.1).

19th meeting
12 June 2009

[Adopted without a vote.]

11/117. Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations

[See chapter I.]

IV. Eighth special session

S-8/1. Situation of human rights in the east of the Democratic Republic of the Congo

The Human Rights Council,

Recalling General Assembly resolutions 60/251 of 15 March 2006 and 61/296 of 17 September 2007,

Reiterating its resolutions 5/1 and 5/2 of 18 June 2007 and 7/20 of 27 March 2008,

Reiterating also the principles and objectives of the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the decision of the tenth Assembly of the African Union on the peace and security situation in Africa,

Recalling also the provisions of the Pact on Security, Stability and Development in the Great Lakes Region,

Recalling further African efforts to address the situation in the Democratic Republic of the Congo, including (*a*) the Goma act of engagement, signed by the parties to the peace process in the region of Kivu within the framework of the Conference on Peace, Security and Development for the Provinces of North and South Kivu, held in Goma from 6 to 23 January 2008; (*b*) the Great Lakes Region summit of 7 November 2008 on the situation in the Democratic Republic of the Congo; (*c*) the Extraordinary Summit of the Heads of State and Government of the Southern Africa Development Community, held on 9 November 2008; and (*d*) the summit of Heads of State of members of the Commission of the Gulf of Guinea, held on 25 November 2008,

1. *Expresses* its serious concern at the deteriorating human rights and humanitarian situation in North Kivu since the resumption of hostilities on 28 August 2008, and calls upon all concerned parties to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law, to ensure the protection of the civilian population and to facilitate the work of humanitarian agencies;

2. *Calls for* the immediate end to all human rights violations and the unconditional respect for the rights of civilians;

3. *Expresses concern* at the deteriorating situation of refugees and internally displaced persons owing to the escalation of the conflict in Kivu;

4. *Urges* all parties to allow and facilitate humanitarian assistance and to support the ongoing efforts to establish humanitarian corridors throughout the area so as to allow access and the free movement of people and goods as well as to enable humanitarian agencies to provide badly needed food, water, medication and shelter;

5. *Condemns* the acts of violence, human rights violations and abuses committed in Kivu, in particular sexual violence and the recruitment by the militia of child soldiers and stresses the importance of bringing all perpetrators to justice;

6. *Underlines* that the Government has the primary responsibility to make every effort to strengthen the protection of the civilian population and to investigate and bring to justice perpetrators of violations of human rights and of international humanitarian law, and calls upon the international community to support the endeavours of the Government of the Democratic Republic of the Congo in its efforts to stabilize the situation in the country;

7. *Expresses* its support for the efforts of the Special Envoy of the Secretary-General for the conflict in the east of the Democratic Republic of the Congo, former President Olusegun Obasanjo, the African Union, the Southern Africa Development Community, the Office of the United Nations High Commissioner for Human Rights, the international community and the Government of the Democratic Republic of the Congo in the search for a solution to restore long-term peace and stability to the region, in particular within the Goma process and the Nairobi process, and urges all parties to cooperate with the Special Envoy of the Secretary-General;

8. *Emphasizes* the importance of strengthening the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo with a view to increasing its capacity to protect civilians and to restore peace, security and stability in the region of Kivu of the Democratic Republic of the Congo, and calls upon all States to immediately provide assistance to the Mission to increase its ability to address the dire security and humanitarian situation in the region;

9. *Calls upon* the international community:

(a) To seriously address the root causes of the conflict, including the illicit exploitation of natural resources and the establishment of militia, which are the basis of human rights violations and the humanitarian crisis in the region;

(b) To continue to contribute to the promotion of peace and stability in the Democratic Republic of the Congo, and to assist the Government of the Democratic Republic of the Congo in the rehabilitation and economic reconstruction of the country;

(c) To provide the Government of the Democratic Republic of the Congo with the various forms of assistance it requests, with a view to improving the humanitarian and human rights situation;

10. *Welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and the invitation it has extended to some individual special procedures, and encourages the Government of the Democratic Republic of the Congo to strengthen its cooperation in this regard;

11. *Invites* all the thematic special procedures mentioned in its resolution 7/20 to urgently examine the current situation in the east of the Democratic Republic of the Congo with a view to providing a comprehensive report to the Council at its tenth session on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, taking also into account the needs formulated by the Government of the Democratic Republic of the Congo;

12. *Invites* the United Nations High Commissioner for Human Rights to report to the Council at its tenth session on the human rights situation in the east of the Democratic Republic of the Congo and on the activities that the Office of the United Nations High Commissioner for Human Rights has undertaken in the region.

2nd meeting
1 December 2008

[Adopted without a vote.]

V. Ninth special session

S-9/1. The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations and the Universal Declaration of Human Rights,

Acknowledging that peace, security, development and human rights are the pillars of the United Nations system,

Guided by the right to self-determination of the Palestinian people and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Affirming the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

Affirming also the applicability of international humanitarian law, namely the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing that international human rights law and international humanitarian law are complementary and mutually reinforcing,

Recalling the obligations of the High Contracting Parties to the Fourth Geneva Convention,

Reaffirming that each High Contracting Party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War is under the obligation to respect and ensure the respect for the obligations arising from that Convention,

Stressing that the right to life constitutes the most fundamental of all human rights,

Expressing serious concern at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem,

Recognizing that the massive ongoing Israeli military operation in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, has caused grave violations of the human rights of the Palestinian civilians therein, exacerbated the severe humanitarian crisis in the Occupied Palestinian Territory and undermined international efforts towards achieving a just and lasting peace in the region, *Condemning* all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

Recognizing that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings and the cutting of the supply of fuel, food and medicine, constitutes collective punishment of Palestinian civilians and leads to disastrous humanitarian and environmental consequences,

1. *Strongly condemns* the ongoing Israeli military operation carried out in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, which has resulted in massive violations of the human rights of the Palestinian people and systematic destruction of Palestinian infrastructure;

2. *Calls for* the immediate cessation of Israeli military attacks throughout the Palestinian Occupied Territory, particularly in the occupied Gaza Strip, which to date have resulted in the killing of more than 900 and injury to more than 4,000 Palestinians, including a large number of women and children, and the end to the launching of crude rockets against Israeli civilians, which have resulted in the loss of 4 civilian lives and some injuries;

3. *Demands* that the occupying Power, Israel, immediately withdraw its military forces from the occupied Gaza Strip;

4. *Calls upon* the occupying Power, Israel, to end its occupation of all Palestinian lands occupied since 1967 and to respect its commitment within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

5. *Demands* that the occupying Power, Israel, stop the targeting of civilians and medical facilities and staff and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

6. *Also demands* that the occupying Power, Israel, lift its siege, open all borders to allow access and free movement of humanitarian aid to the occupied Gaza Strip, including the immediate establishment of humanitarian corridors, in compliance with its obligations under international humanitarian law, and ensure free access of the media to areas of conflict through media corridors;

7. *Calls upon* the international community to support the current initiative aiming at putting an immediate end to the current military aggression in Gaza;

8. *Calls for* urgent international action to put an immediate end to the grave violations committed by the occupying Power, Israel, in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip;

9. *Also calls for* immediate international protection of the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights law and international humanitarian law;

10. *Urges* all parties concerned to respect the rules of international human rights law and international humanitarian law and to refrain from violence against the civilian population;

11. *Requests* the United Nations High Commissioner for Human Rights to report on the violations of human rights of the Palestinian people by the occupying Power, Israel, by:

(*a*) Strengthening the field presence of the Office of the High Commission in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, and deploying the necessary personnel and expertise to monitor and document Israeli violations of the human rights of Palestinians and the destruction of their properties;

(*b*) Submitting periodic reports to the Council on the implementation of the present resolution;

12. *Requests* all relevant special procedures mandate holders, in particular the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Special Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty, to urgently seek and gather information on violations of the human rights of the Palestinian people and submit their reports to the Council at its next session;

13. *Requests* the occupying Power, Israel, to fully cooperate with all the above-mentioned special procedures mandate holders and to desist from any further hindrance to the work of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

14. *Decides* to dispatch an urgent, independent international fact-finding mission, to be appointed by the President of the Council, to investigate all violations of international human rights law and international humanitarian law by the occupying Power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, due to the current aggression, and calls upon Israel not to obstruct the process of investigation and to fully cooperate with the mission;

15. *Requests* the Secretary-General and the High Commissioner to provide all administrative, technical and logistical assistance required to enable the above-mentioned special procedures mandate holders and the fact-finding mission to fulfil their mandates promptly and efficiently;

16. *Requests* the Secretary-General to investigate the latest targeting of facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in Gaza, including schools, which resulted in the killing of tens of Palestinian civilians, including women and children, and to submit a report to the General Assembly thereon;

17. *Decides* to follow up on the implementation of the present resolution at its next session.

3rd meeting
12 January 2009

[Resolution adopted by a recorded vote of 33 to 1, with 13 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Canada;

Abstaining: Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

VI. Tenth special session

S-10/1. The impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, and the Vienna Declaration and Programme of Action,

Reaffirming that peace and security, development and human rights are the interrelated pillars of the United Nations system,

Reaffirming further that all human rights are universal, indivisible, interdependent and interrelated and that they must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recalling General Assembly resolution 60/251, which affirms that the Human Rights Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all without distinction of any kind; should serve inter alia as a forum for dialogue on thematic issues on all human rights, and that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Recalling further that General Assembly resolution 60/251 affirms that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion of all human rights and fundamental freedoms, including the right to development,

Recalling that everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, as reflected in article 11 of the International Covenant on Economic, Social and Cultural Rights,

Committed to achieving the internationally agreed development goals, including those contained in the United Nations Millennium Declaration and in the outcomes of the major United Nations conferences and summits, as they contribute to the universal realization and effective enjoyment of human rights and fundamental freedoms,

Reaffirming the Universal Declaration of Human Rights, including its provision that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, and recalling the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration, in particular the first Millennium Development Goal of eradication of hunger and extreme poverty by 2015, *Recalling* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights by all, its immediate alleviation and eventual elimination must remain a high priority for the international community,

Cognizant that, as a result of globalization, domestic economies are now interwoven, and that good governance at the national and international levels, as well as fair, effective, transparent and accountable financial, monetary and trading systems, are essential prerequisites for attaining sustainable development and for the elimination of poverty,

Expressing serious concern at the negative impacts of the global economic and financial crises on economic and social development and on the full enjoyment of all human rights in all countries, and recognizing that developing countries, particularly least developed countries and small island developing States, are in a more vulnerable situation when facing these impacts,

Regretting that the global economic and financial crises have resulted in the decline of exports, foreign direct investment, and remittances which are essential factors contributing to the growth of economies of developing countries, and have led to difficulties in foreign indebtedness and in the realization of all human rights, including the right to development,

Reaffirming that the State has a responsibility to ensure that an increase in unemployment does not exacerbate the potential for discrimination, in particular against migrants and other vulnerable groups,

Recognizing that the economic and financial crises are global in scope and require global concerted solutions, developed in partnership by the international community with a view to preventing and alleviating any of their impacts on the universal realization and effective enjoyment of human rights and fundamental freedoms,

1. *Expresses* deep concern that the universal realization and effective enjoyment of human rights are challenged due to multiple and interrelated global economic and financial crises;

2. *Recognizes* the severe impacts that the global economic and financial crises are having on the ability of countries, particularly developing countries, to mobilize resources for development and to address the impact of these crises, and, in this context, calls upon all States and the international community to alleviate, in an inclusive and development oriented manner, any negative impacts of these crises on the realization and the effective enjoyment of all human rights;

3. *Underlines* the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting;

4. *Expresses* grave concern that these crises threaten to further undermine the achievement of the internationally agreed development goals including the Millennium Development Goals and calls upon all States to refrain from reducing international financial

resources for development, including official development assistance and from imposing protectionist measures, and to maintain their commitments to mobilize and sustain financial resources for development, in accordance with the Monterrey Consensus on Financing for Development, and to make concerted and sustained efforts to contribute to an early recovery;

5. *Calls upon* States to note that the global economic and financial crises do not diminish the responsibility of national authorities and the international community in the realization of human rights and calls upon them to assist, in particular, the most vulnerable in this regard, and in this context urges the international community to support national efforts to, inter alia, establish and preserve social safety nets for the protection of the most vulnerable segments of their societies;

6. *Calls on* States to ensure that those at risk of being most affected by the global economic and financial crises are protected in a non-discriminatory way;

7. *Reaffirms* that an open, equitable, predictable and non-discriminatory multilateral trading system can substantially stimulate development worldwide, benefiting all countries, particularly developing countries, and thereby contributing to the universal realization and effective enjoyment of all human rights;

8. *Recognizes* the central role of the United Nations in the international system and *welcomes* the decision by the General Assembly to hold a high-level conference on the world economic and financial crises and its impacts on development due to take place from 1 to 4 June 2009; and in this context, recommends that an invitation be addressed by the General Assembly to the United Nations High Commissioner for Human Rights to participate in this high-level event and to present a report with suggested recommendations, building on the deliberations of this special session, so as to mainstream a human rights perspective in the analysis of the global economic and financial crises;

9. *Invites* relevant thematic Special Procedures, within their respective mandates, building on the deliberations of this special session, to consider any of the impacts of the global economic and financial crises on the realization and effective enjoyment of all human rights particularly economic, social and cultural rights, and to integrate their findings in this regard in their regular reports presented to the Human Rights Council, with special attention to non-discrimination and to ways and means to ensure respect for and protection of the human rights of vulnerable and marginalized groups, particularly women, children, migrants, migrant workers and their families, indigenous peoples, and people living in poverty, and on the elimination of acts of racism and xenophobia and promoting greater harmony and tolerance in all societies;

10. *Invites* the treaty bodies, within their respective mandates, to consider any of the impacts of the global economic and financial crises on the realization and effective enjoyment of all human rights, and to consider presenting recommendations thereon;

11. *Calls upon* all States to continue their financial contributions to international organizations, particularly to the Office of the United Nations High Commissioner for Human Rights;

12. *Decides* to remain seized of the implementation of the present resolution.

3rd meeting
23 February 2009

[Resolution adopted by a recorded vote of 31 to 0 with 14 abstentions. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay;

Abstaining: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

VII. Eleventh special session

S-11/1. Assistance to Sri Lanka in the promotion and protection of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Reaffirming the purposes and principles of the United Nations as contained in Articles 1 and 2 of the Charter, including the principle of non-interference in matters that are essentially within the domestic jurisdiction of States,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006,

Recalling Council resolutions 5/1 and 5/2 on institution-building of the Human Rights Council,

Recalling also that States have the duty and responsibility to provide protection and humanitarian assistance to all segments of the population, including internally displaced persons, without discrimination,

Recalling further its decision 2/112 and its resolutions 6/28, 7/7 and 10/15, and recalling General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171, 62/159 and 63/185, and welcoming the efforts of the States Members of the United Nations in the protection of human rights and fundamental freedoms, and reaffirming the obligations of States to respect human rights law and international humanitarian law while countering terrorism,

Reaffirming the respect for the sovereignty, territorial integrity and independence of Sri Lanka and its sovereign rights to protect its citizens and to combat terrorism,

Condemning all attacks that the Liberation Tigers of Tamil Eelam launched on the civilian population and its practice of using civilians as human shields,

Reaffirming its commitment to promote international cooperation, as set forth in the Charter, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 for enhancing genuine cooperation among Member States in the field of human rights,

Recognizing that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Welcoming the conclusion of hostilities and the liberation by the Government of Sri Lanka of tens of thousands of its citizens that were kept by the Liberation Tigers of Tamil Eelam against their will as hostages, as well as the efforts by the Government to ensure the safety and security of all Sri Lankans and to bring permanent peace to the country, *Welcoming also* the recent reassurance given by the President of Sri Lanka that he does not regard a military solution as a final solution, as well as his commitment to a political solution with implementation of the thirteenth amendment to bring about lasting peace and reconciliation in Sri Lanka,

Emphasizing that, after the conclusion of hostilities, the priority in terms of human rights remains the provision of assistance to ensure the relief and rehabilitation of persons affected by the conflict, including internally displaced persons, as well as the reconstruction of the country's economy and infrastructure,

Encouraged by the provision of basic humanitarian assistance, in particular, safe drinking water, sanitation, food and medical and health-care services to the internally displaced persons by the Government of Sri Lanka with the assistance of United Nations agencies,

Encouraged also by the recent announcement by the Government of Sri Lanka of the proposal to safely resettle the bulk of internally displaced persons within six months,

Welcoming the successful rehabilitation of reintegration of former child soldiers after the conflict ended in the Eastern Province of Sri Lanka,

Acknowledging the continued engagement of the Government of Sri Lanka in regularly and transparently briefing and updating the Council on the human rights situation on the ground and the measures taken in that regard,

1. *Commends* the measures taken by the Government of Sri Lanka to address the urgent needs of internally displaced persons;

2. *Welcomes* the continued commitment of Sri Lanka to the promotion and protection of all human rights and encourages it to continue to uphold its human rights obligations and the norms of international human rights law;

3. *Encourages* the Government of Sri Lanka to continue to pursue its existing cooperation with relevant United Nations organizations, in order to provide, to the full extent of their capabilities, in cooperation with the Government of Sri Lanka, basic humanitarian assistance, in particular, safe drinking water, sanitation, food and medical and health-care services to internally displaced persons;

4. *Welcomes* the announcement of the proposal to safely resettle the bulk of internally displaced persons within six months, and encourages the Government of Sri Lanka to proceed in these endeavours with due respect for persons belonging to national, ethnic, religious and linguistic minorities;

5. *Acknowledges* the commitment of the Government of Sri Lanka to provide access as may be appropriate to international humanitarian agencies in order to ensure humanitarian assistance to the population affected by the past conflict, in particular internally displaced persons, with a view to meeting their urgent needs and encourages the Sri Lankan authorities to further facilitate appropriate work;

6. *Encourages* the Government of Sri Lanka to continue to persevere in its efforts towards the disarmament, demobilization and rehabilitation of former child soldiers, recruited by non-State armed actors in the conflict in Sri Lanka, their physical and psychological recovery and reintegration into society, in particular, through educational measures, taking into account the rights and specific needs and capacities of girls, in cooperation with relevant United Nations organizations;

7. *Urges* the Government of Sri Lanka to continue strengthening its activities to ensure that there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights;

8. *Welcomes* the continued cooperation between the Government of Sri Lanka, relevant United Nations agencies and other humanitarian organizations in the provision of humanitarian assistance to the affected people, and encourages them to continue to cooperate with the Government of Sri Lanka;

9. *Also welcomes* the recent visits to Sri Lanka by the Under-Secretary-General for Humanitarian Affairs and the Representative of the Secretary-General on the human rights of internally displaced persons, and encourages them to continue to cooperate in the mobilization and provision of humanitarian assistance to the affected populations;

10. *Further welcomes* the visit to Sri Lanka of the Secretary-General at the invitation of the President of Sri Lanka, and endorses the joint communiqué issued at the conclusion of the visit and the understandings contained therein;

11. *Welcomes* the resolve of the Sri Lankan authorities to begin a broader dialogue with all parties in order to enhance the process of political settlement and to bring about lasting peace and development in Sri Lanka based on consensus among and respect for the rights of all the ethnic and religious groups inhabiting it, and invites all stakeholders concerned to actively participate in it;

12. *Urges* the international community to cooperate with the Government of Sri Lanka in the reconstruction efforts, including by increasing the provision of financial assistance, including official development assistance, to help the country fight poverty and underdevelopment and to continue to ensure the promotion and protection of all human rights, including economic, social and cultural rights.

3rd meeting
27 May 2009

[Adopted by a recorded vote of 29 to 12, with 6 abstentions. The voting was as follows:

In favour: Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mexico, Netherlands, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

Abstaining: Argentina, Gabon, Japan, Mauritius, Republic of Korea, Ukraine.]

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements

Page

Advisory Committee

Reports of the Advisory Committee *PRST/10/1* 111

Children

Draft United Nations guidelines for the appropriate use and conditions of alternative care for children ..... *res. 10/8* 37

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto ..... *res. 10/14* 56

Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure ..... *res. 11/1* 113

Trafficking in persons, especially women and children ..... *res. 11/3* 118

Guidelines for the Alternative Care of Children ..... *res. 11/7* 2

Climate change

Human rights and climate change ..... *res. 10/4* 28

Communications

Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure ..... *res. 11/1* 113

Cultural rights

Questions of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1 ..... *res. 10/1* 22

Independent expert in the field of cultural rights ..... *res. 10/23* 78

Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights ..... *res. 10/25* 85

The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights ..... *res. 11/5* 126

Democratic People's Republic of Korea

Situation of human rights in the Democratic People's Republic of Korea ..... *res. 10/16* 62

Democratic Republic of the Congo

Situation of human rights in the east of the Democratic Republic of the Congo ..... *res. S-8/1* 150

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements *(continued)*

Page

Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services ..... *res. 10/33* 100

Detention

Arbitrary detention ..... *res. 10/9* 37

The human rights of migrants in detention centres ..... *res. 11/9* 136

Disabilities

Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities ..... *res. 10/7* 34

Disappearances

Enforced or involuntary disappearances ..... *res. 10/10* 39

Discrimination

Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights ..... *res. 10/25* 85

Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination ..... *res. 10/30* 96

From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance ..... *res. 10/31* 98

Durban Declaration and Programme of Action

Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action ..... *res. 11/12* 141

Economic and financial crises

The impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights ..... *res. S-10/1* 157

Economic, social and cultural rights

Questions of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1 ..... *res. 10/1* 22

Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights ..... *res. 10/25* 85

The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights ..... *res. 11/5* 126

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements *(continued)*

Page

Education

World Programme for Human Rights Education .... *res. 10/3* 27

United Nations Declaration on Human Rights Education and Training .... *res. 10/28* 93

The right to education: follow-up to Human Rights Council resolution 8/4 .... *res. 11/6* 131

Food

The right to food .... *res. 10/12* 47

Foreign debt

The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights .... *res. 11/5* 126

Genetics

Forensic genetics and human rights .... *res. 10/26* 87

Health

Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel .... *res. 10/24* 81

Preventable maternal mortality and morbidity and human rights .... *res. 11/8* 134

Human rights bodies and mechanisms

Reports of the Advisory Committee *PRST10/1* 111

The Social Forum .... *res. 10/29* 94

Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights .... *dec. 10/117* 110

Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure .... *res. 11/1* 113

System of special procedures .... *res. 11/11* 140

Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action .... *res. 11/12* 141

Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations .... *dec. 11/117* 20

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements *(continued)*

Page

Human rights situation in Palestine and other occupied Arab territories

The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip .... *res. S-9/1* 153

Human rights in the occupied Syrian Golan .... *res. 10/17* 64

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan .... *res. 10/18* 66

Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory .... *res. 10/19* 70

Right of the Palestinian people to self-determination .... *res. 10/20* 72

Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip .... *res. 10/21* 73

International cooperation

Enhancement of international cooperation in the field of human rights .... *res. 10/6* 32

Israel

The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip .... *res. S-9/1* 153

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan .... *res. 10/18* 66

Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory .... *res. 10/19* 70

Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip .... *res. 10/21* 73

Juvenile justice

Human rights in the administration of justice, in particular juvenile justice .... *res. 10/2* 23

Mercenaries

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination .... *res. 10/11* 43

Migrants

The human rights of migrants in detention centres .... *res. 11/9* 136

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements *(continued)*

Page

Myanmar

Situation of human rights in Myanmar .... *res. 10/27* 89

Nationality

Human rights and arbitrary deprivation of nationality .... *res. 10/13* 54

Office of the United Nations High Commissioner for Human Rights

Composition of staff of the Office of the United Nations High Commissioner for Human Rights .... *res. 10/5* 30

Palestine (see Human rights situation in Palestine and other occupied Arab territories)

Peace

Promotion of the right of peoples to peace .... *res. 11/4* 123

Racism

Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination .... *res. 10/30* 96

From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance .... *res. 10/31* 98

Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action .... *res. 11/12* 141

Religion

Combating defamation of religions .... *res. 10/22* 74

Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights .... *res. 10/25* 85

Self-determination

The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination .... *res. 10/11* 43

Right of the Palestinian people to self-determination .... *res. 10/20* 72

Social Forum .... *res. 10/29* 94

Somalia

Assistance to Somalia in the field of human rights .... *res. 10/32* 99

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements *(continued)*

Page

Special procedures

System of special procedures .... *res. 11/11* 140

Sri Lanka

Assistance to Sri Lanka in the promotion and protection of human rights .... *res. S-11/1* 161

Sudan

Situation of human rights in the Sudan .... *res. 11/10* 137

Syrian Golan

Human rights in the occupied Syrian Golan .... *res. 10/17* 64

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan .... *res. 10/18* 66

Technical assistance and capacity-building

Assistance to Somalia in the field of human rights .... *res. 10/32* 99

Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services .... *res. 10/33* 100

Assistance to Sri Lanka in the promotion and protection of human rights .... *res. S-11/1* 161

Terrorism

Protection of human rights and fundamental freedoms while countering terrorism .... *res. 10/15* 60

Torture

Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel .... *res. 10/24* 81

Trafficking

Trafficking in persons, especially women and children .... *res. 11/3* 118

Universal periodic review

Outcome of the universal periodic review: Azerbaijan .... *dec. 11/111* 147

Outcome of the universal periodic review: Bahamas .... *dec. 10/102* 103

Outcome of the universal periodic review: Bangladesh .... *dec. 11/104* 143

Outcome of the universal periodic review: Barbados .... *dec. 10/105* 104

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements *(continued)*

		Page
Outcome of the universal periodic review: Botswana	*dec. 10/101*	102
Outcome of the universal periodic review: Burkina Faso	*dec. 10/111*	107
Outcome of the universal periodic review: Burundi	*dec. 10/103*	103
Outcome of the universal periodic review: Cameroon	*dec. 11/106*	144
Outcome of the universal periodic review: Canada	*dec. 11/103*	143
Outcome of the universal periodic review: Cape Verde	*dec. 10/113*	108
Outcome of the universal periodic review: China	*dec. 11/110*	146
Outcome of the universal periodic review: Colombia	*dec. 10/114*	109
Outcome of the universal periodic review: Cuba	*dec. 11/107*	145
Outcome of the universal periodic review: Djibouti	*dec. 11/102*	142
Outcome of the universal periodic review: Germany	*dec. 11/101*	142
Outcome of the universal periodic review: Israel	*dec. 10/112*	108
Outcome of the universal periodic review: Jordan	*dec. 11/115*	149
Outcome of the universal periodic review: Liechtenstein	*dec. 10/108*	106
Outcome of the universal periodic review: Luxembourg	*dec. 10/104*	104
Outcome of the universal periodic review: Malaysia	*dec. 11/116*	149
Outcome of the universal periodic review: Mauritius	*dec. 11/114*	148
Outcome of the universal periodic review: Mexico	*dec. 11/113*	148
Outcome of the universal periodic review: Montenegro	*dec. 10/106*	105
Outcome of the universal periodic review: Nigeria	*dec. 11/112*	147
Outcome of the universal periodic review: Russian Federation	*dec. 11/105*	144
Outcome of the universal periodic review: Saudi Arabia	*dec. 11/108*	145
Outcome of the universal periodic review: Senegal	*dec. 11/109*	146
Outcome of the universal periodic review: Serbia	*dec. 10/109*	106
Outcome of the universal periodic review: Turkmenistan	*dec. 10/110*	107
Outcome of the universal periodic review: Tuvalu	*dec. 10/116*	110

Index of topics considered by the Human Rights Council in its resolutions, decisions and President's statements *(continued)*

		Page
Outcome of the universal periodic review: United Arab Emirates	*dec. 10/107*	105
Outcome of the universal periodic review: Uzbekistan	*dec. 10/115*	109
Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations	*dec. 11/117*	20

Violence against women

Accelerating efforts to eliminate all forms of violence against women	*res. 11/2*	114

Women

Accelerating efforts to eliminate all forms of violence against women	*res. 11/2*	114
Trafficking in persons, especially women and children	*res. 11/3*	118
Preventable maternal mortality and morbidity and human rights	*res. 11/8*	134